

# **FREQUENTLY ASKED QUESTIONS 14 CFR, PARTS 61 & 141 ARRANGED BY SECTION**

**THE SOURCE OF ANSWERS IS JOHN LYNCH, AFS-840  
UNLESS OTHERWISE NOTED**

**MAINTAINED BY THE PILOT EXAMINER  
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**THE ORIGINAL "Q&A" REFERENCE IS NOTED  
FOLLOWING EACH (GROUP OF) QUESTION (S)**

## **CHANGE NOTICE:**

**REVISION DATE: APRIL 7, 1998  
INCORPORATING Q&A #s: 133 - 149**

**VERTICAL BAR IN LEFT MARGIN DENOTES CHANGES SINCE: 2/23/98**

**CHANGES HAVE BEEN MADE TO:**

**61.23, 61.31, 61.35, 61.39, 61.43, 61.51, 61.53, 61.63, 61.69, 61.75, 61.77, 61.105, 61.123,  
61.129, 61.157, 61.193, 141.37, 141.53, 141.55, 141.67, 141.77, 141 App. D and 141 App. K.**

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## **PART 61**

### **61.1**

**QUESTION:** What about a simulator instructor that was instructing from the console of a level D 747 simulator at an approved 142 center and a part 61 CFII that had an approved PC and was giving his friend instruction at home in the kitchen. Under 61.1(b)(12)(iii) can they both log pilot time?

**ANSWER:** Reference §61.1(b)(12)(iii), it states -

(12) Pilot time means that time in which a person--

(i) Serves as a required pilot flight crewmember;

(ii) Receives training from an authorized instructor in an aircraft, flight simulator, or flight training device; or

(iii) **Gives training as an authorized instructor in an aircraft, flight simulator, or flight training device.**

**YES**, as per §61.1(b)(12)(iii), that time an authorized instructor gives training in an aircraft, flight simulator, or flight training device may be credited as pilot time. Note, “pilot time” and “flight time” are **NOT** synonymous.

{ Q&A-108 }

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**QUESTION 2:** Does the 50 NM landing requirement apply to all dual cross country training?

This has not been true in the past. For instance, previously, there was a requirement for a 2 hour dual cross country. We went to 3 or 4 airports, none of which were 50 miles away and this was OK. Has this changed? We have been completing a 100 NM night X/C to 3 different airports, none of which is 50 NM away. Initially, these were acceptable. But, now the FSDO is disallowing any dual cross country training flights that do not include a landing more than 50 miles distant.

**ANSWER 2:** Reference §§61.1(b)(3)(ii) and 61.109(a)(1) and (2)(i): **Yes**, it must include **at least ONE** landing more than 50 NM from the original point of departure. Per §61.1(b)(3)(ii)(B), "That includes a point of landing that was at least a straight-line distance of more than 50 nautical miles from the original point of departure." Unless the distance is specifically stated otherwise [e.g., §61.109 (a) (5)(ii)] then YES it must include at least ONE landing more than 50 NM from the original point of departure.

{ q&a-101 }

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**QUESTION:** This is in response to a letter requesting an interpretation of the term “original point of departure” contained in §61.129(b)(3)(iii).

**ANSWER:** There is no definition of the term “original point of departure” in Parts 1 or 61 or any other FAA publication. In answer to the question on a policy interpretation of “original point of departure,” each situation is unique and a definitive definition of “original point of departure” that will cover ALL circumstances and situations is not practicable AND NOT POSSIBLE.

As an example, a person departs the Los Angeles International Airport for the purpose of conducting a “round robin” cross-country flight (emphasis purpose of conducting a cross-country flight) from the Los Angeles International Airport to Blythe, CA airport to refuel, then onto to Yuma, AZ airport to refuel, and then return to the Los Angeles International Airport. In this situation, since the purpose was to conduct a “round-robin” cross-country flight, the “original point of departure” was the Los Angeles International Airport.

Next example, a person departs the Hawthorne, CA Airport for the purpose of repositioning (emphasis purpose of repositioning the aircraft) the aircraft to another airport, known as the Los Angeles International Airport to start a cross-country flight so as to be able to meet the 250 nautical miles cross-country requirements of section 61.129(a)(4)(i). In this situation, since the purpose was to reposition the aircraft to the Los Angeles Intl. Airport, the “original point of departure” would be the Los Angeles International Airport.

Another example, a person departs the Los Angeles International Airport on day 1 for the purpose of conducting a cross country flight to the San Jose Airport (emphasis purpose of conducting a cross country flight to the San Jose Airport) and remains overnight. On day 2, that person departs San Jose Airport for the purpose of conducting a cross country flight to the Lake Tahoe Airport (emphasis purpose of conducting a cross-country flight to the Lake Tahoe Airport) and remains overnight. On day 3, that person departs Lake Tahoe Airport for the purpose of conducting a cross country flight to the Los Angeles Intl. Airport (emphasis purpose of conducting a cross-country flight to the Los Angeles Intl. Airport) for termination. Which airport is the “original point of departure?” All 3 airports would qualify as the “original point of departure.”

Now in a similar situation, but slightly different, a person departs the Los Angeles International Airport for the purpose of conducting a round-robin (without ever landing enroute) cross-country flight from the Los Angeles International Airport to the San Diego, CA 030° radial at 12 DME to the Yuma, AZ 350° radial at 10 DME and then returns to the Los Angeles Intl. Airport (emphasis purpose of conducting a “round-robin” cross-country flight). Which airport is the “original point of departure?” The Los Angeles International Airport is the “original point of departure” But this cross country flight will not qualify for you applicants in pursuit of a private pilot certificate, commercial pilot certificate, or an instrument rating.

Adherence to these strict definitions of cross country and the “original point of departure” is only necessary when the purpose is for crediting cross country aeronautical experience for the furtherance of a pilot certificate and rating. Cross country aeronautical experience acquired in pursuit of a private pilot certificate, commercial pilot certificate, and an instrument rating must meet the requirements of §61.1(b)(3)(ii). Cross country aeronautical experience acquired in pursuit of an airline transport pilot certificate must meet the requirements of §61.1(b)(3)(iv). And military pilots’ cross country aeronautical experience is addressed in §61.1(b)(3)(v). Cross country aeronautical experience acquired in pursuit of a pilot certificate with a rotorcraft rating must meet the requirements of §61.1(b)(3)(iii). If the cross country is not being utilized for the purpose of meeting the aeronautical experience for the furtherance of a pilot certificate, then that cross country flight time may be logged in accordance with §61.1(b)(3)(i).

The time logged in a flight simulator or flight training device **CANNOT** be credited toward meeting the cross country aeronautical experience. §61.1(b)(3) states in part, “time acquired during a flight. . .” and “. . . Conducted in an appropriate aircraft?” Consequently, the time logged in a flight simulator or flight training device cannot be credited toward meeting the cross country aeronautical experience.

{q&a-98}

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**QUESTION 1:** Does an ATP applicant now have to disallow the cross country time that does not meet the new cross country eligibility (50 NM distance) as established in the new §61.1(b)(3)?

**ANSWER 1:** No. The time accrued under the old rule may be counted as cross country time even after August 4, 1997. Beginning August 4, 1997, only that cross country time that meets the new §61.1(b)(3)(iv) is permissible.

{q&a-33}

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**QUESTION 3:** With the new definition of creditable cross country time in 61.1, an ATP applicant who credited cross country time under the old undefined policy (i.e., no distance requirement) prior to August 4, 1997 does that time still count?

**ANSWER 3:** Yes that time will continue to be creditable cross country time. However beginning August 4, 1997, any newly performed cross country time (performed after the date of August 4, 1997) must meet the new 50 NM distance requirement.

{q&a-40}

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**QUESTION 4:** With the new definition of X/C, what is the status of X/C time logged under the old non-rule -- esp. if that time doesn't comply with the new definition? What do you do with someone who faithfully and legitimately logged X/C years --some of which may or may not be 50 NM, and may or may not have a landing >50 NM out-- and wants to apply for an ATP based on that time? Is s/he required to retroactively reclassify time from memory that was logged years ago?

**ANSWER 4:** [§61.1(b)(3)] If the person showed cross country time logged prior to August 4, 1997 and it was valid, then that time remains valid. However, beginning August 4, 1997 any new cross country time logged must meet the new definition of cross country. Otherwise, we don't expect the person to have to go back and delete "old" times out of his or her logbook.

{q&a-8}

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**QUESTION 1:** Is there a discrepancy between §§61.1(b)(3)(ii) vs. 61.109(a)(5)(ii)? §61.1(b)(3)(ii) states:

(ii) For the purpose of meeting the aeronautical experience requirements (except for a rotorcraft category rating), for a private pilot certificate, a commercial pilot certificate, or an instrument rating, or for the purpose of exercising recreational pilot privileges (except in a rotorcraft) under § 61.101(c), time acquired during a flight—

- (A) Conducted in an appropriate aircraft;
  - (B) That includes a point of landing that was at least a straight-line distance of **more than 50 nautical miles** from the original point of departure; and
  - (C) That involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point.
- and

§61.109(a)(5)(ii) states:

(ii) One solo cross-country flight of at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of **at least 50 nautical miles** between the takeoff and landing locations; and

Otherwise, in §61.1(b)(3)(ii) cross country is “. . . **more than 50 nautical miles** . . .” and in §61.109(a)(5)(ii) cross country is “. . . **at least 50 nautical miles** . . .”

**ANSWER** 1: §61.1(b)(3)(ii) is the overall rule for defining cross country for the purpose of meeting the aeronautical experience requirements (except for a rotorcraft category rating) for a private pilot certificate. However, §61.109(a)(5)(ii) is a stand alone rule that requires a private pilot applicant to conduct a cross country that is “. . . at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of **at least 50 nautical miles** between the takeoff and landing locations.”  
{q&a-42}

**QUESTION** 1: What are the qualifications to be an “authorized instructor” to give the ground training required for the additional training high performance airplane qualification [see §61.31(g)(1)(i)]?

**ANSWER 1** In answer to your specific question, the instructor who gives the ground training required by §61.31(g)(1)(i), may be either a:

- (1) US certified flight instructor who holds an airplane single engine or multiengine ratings, as appropriate, and:
  - (i) Has received the one time endorsement that certifies the instructor is proficient to operate a high performance airplane; or
  - (ii) Has logged flight time as pilot in command of a high-performance airplane, or in an approved flight simulator or approved flight training device that is representative of a high-performance airplane prior to August 4, 1997.
- (2) US certified ground instructor who holds a basic or advanced rating and has received an endorsement from another authorized instructor who certifies the instructor is proficient to give ground training on high performance airplane.

The rules that govern your question are contained in §61.1(b)(2) which state:

- (2) Authorized instructor means —
  - (i) A person who holds a valid ground instructor certificate issued under part 61 or part 143 of this chapter when conducting ground training in accordance with the privileges and limitations of his or her ground instructor certificate;

(ii) A person who holds a current flight instructor certificate issued under part 61 of this chapter when conducting ground training or flight training in accordance with the privileges and limitations of his or her flight instructor certificate; or

(iii) A person authorized by the Administrator to provide ground training or flight training under SFAR No. 58, or part 61, 121, 135, or 142 of this chapter when conducting ground training or flight training in accordance with that authority.

And §61.193 states

§ 61.193 Flight instructor privileges.

A person who holds a flight instructor certificate is authorized **within the limitations of that person's flight instructor certificate and ratings** to give training and endorsements that are required for, and relate to:

- (a) A student pilot certificate;
- (b) A pilot certificate;
- (c) A flight instructor certificate;
- (d) A ground instructor certificate;
- (e) An aircraft rating;
- (f) An instrument rating;
- (g) A flight review, **operating privilege**, or recency of experience requirement of this part;
- (h) A practical test; and
- (i) A knowledge test.

{q&a-44}

**QUESTION 6:** Definition of "original point of departure".

Is the "original point of departure" subject to change if there is an overnight, extended stay, or the aircraft is left for repair and the pilot returns later to continue the cross-country or bring it home? Does "original point of departure" change with a new day?

**ANSWER 6:** The "original point of departure" does not change with a new day or delay.

{q&a-60}

## 61.2

**QUESTION:** In the new §61.2(b)(1) the word "needs" appears. What is our policy on determining "needs." Are we to accept any person who comes in off the street and make application? As an example, a foreign citizen wants to fly his friend's U.S. registered BE-35 airplane, is this sufficient "need" to justify using FAA resources?

**ANSWER:** My first response to this question is that the old §61.2 stated, in pertinent part,

"... only when the Administrator finds that the pilot certificate is needed for the operation of a U.S. registered aircraft ..."

The new §61.2(b)(1), states:

(b) A person who is not a citizen of the United States or a resident alien of the United States may be issued an airman certificate, and the knowledge test and practical test for that certificate may be administered outside the United States when:

(1) The Administrator determines the person **needs** a pilot flight certificate to operate as a required pilot crewmember of a civil aircraft of U.S. registry;

There is no difference between the old §61.2 vs. the new §61.2(b)(1)? What have you all been doing since August 16, 1982 when this rule first came into existence? The new §61.2 may have changed some in format and some minor editorial changes, but nothing of any substance was changed!

Our policy guidance on this new §61.2(b)(1), as it relates to the word “needs,” will require:

1. The applicant has a signed letter from the owner/operator of the aircraft that states that the applicant is an employee of that operator/owner or in the case of a private individual intends to lease (under a written lease agreement) the owner's/operator's aircraft. The signed letter must state that the applicant will serve as a pilot crewmember on the aircraft. If the applicant and the owner/operator of the aircraft are one in the same, then that applicant must submit a signed letter explaining why a U.S. pilot certificate is needed and also furnish copies of the aircraft's ownership or lease agreement documents for review by the FAA.

and

The applicant has a signed letter of concurrence from the foreign government's aviation authority or a stamp of concurrence from that aviation authority on the applicant's letter cited in paragraph 1 above. However, if the FAA has an existing “blanket” letter of concurrence or a Memorandum of Agreement (MOA) exists between the United States and the applicant's foreign government aviation authority that will suffice.

or

2. The applicant is from a country that does not have its own certification program. However, in this case the United States must have a standing Memorandum of Agreement (MOA) with that foreign government. Issuance of the applicant's pilot certificate will be done precisely in accordance with the terms and conditions of that MOA. The only MOA that we are presently aware of is the one between the United States and Saudi Arabia.

Issuance of a pilot certificate will be at the level of certification requested by and qualified for by the applicant. The conduct of a practical test for pilot certification under the provisions of §61.2

is to be done within available resources. We should give timely and professional service to all persons, but not at the expense of our higher priority required work demands.

Although, this policy has been established in response to a specific question, our personnel are expected to use their best judgment when this policy letter does not fit all conceivable circumstances. If circumstances and situations arise that are outside this specific guidance, then it is expected that our personnel use their chain of command for seeking additional guidance.  
{q&a-116}

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## 61.4

**QUESTION** 4. Reference the definition of flight simulators and flight training devices in § 141.41, some schools do not have flight simulators and flight training devices that meet this definition. They only have ground trainers. Will they still be permitted to use these old ground trainers as previously permitted prior to the issuance of this final rule and will the students still receive training credit when they are performing the training in these old ground trainers?

**ANSWER** Yes, as long as these old ground trainers were approved for use in the school's approved Part 141 course prior to the issuance of this new rule. And yes the students will receive the same credit. Because these old ground trainer are now considered flight training devices per the new § 61.4(b) which states:

(b) Any device used for flight training, testing, or checking that has been determined to be acceptable to or approved by the Administrator prior to August 1, 1996, which can be shown to function as originally designed, is considered to be a flight training device, provided it is used for the same purposes for which it was originally accepted or approved and only to the extent of such acceptance or approval.

{q&a-45}

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**QUESTION** 11. Our current ground trainers may not meet the specifications of § 141.41, can we still continue to use them in our Part 141 approved courses?

**ANSWER** Yes, per § 61.4(b) specifically and (c) which states:

(b) Any device used for flight training, testing, or checking that has been determined to be acceptable to or approved by the Administrator prior to August 1, 1996, which can be shown to function as originally designed, is considered to be a flight training device, provided it is used for the same purposes for which it was originally accepted or approved and only to the extent of such acceptance or approval.

(c) The Administrator may approve a device other than a flight training simulator or flight training device for specific purposes.

{q&a-7}

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## 61.5

**QUESTION** I was reading your CC mail. In your second sentence you said "You didn't know of any helicopter operations that require an ATP certificate with a helicopter rating and type rating in the type of helicopter". I think you need to look at 14 CFR part 119.25 (a), and 135.243 (a) (2). Yes, you do need "an ATP pilot certificate, with appropriate type ratings and instrument rating", for "Interstate, Commuter Operations". Maybe not for small helicopters anymore, but you sure need 'em for large aircraft (helicopters), to comply with Part 119 and 135. You still have 14 CFR part 61.161 that authorizes an applicant to get an ATP with rotorcraft rating.

**ANSWER** Read §135.243(a)(2) which states, in pertinent part, " . . . appropriate type ratings, . . ." Because of the change to §61.5(b)(5), there are NO "appropriate type ratings" for small helicopters any longer. We changed the rule! The only "appropriate type ratings" are for "Large aircraft other than lighter-than-air aircraft" and "Other aircraft type ratings specified by the Administrator through the aircraft type certification procedures" [i.e., §61.5(b)(5)(i) and (iii)]. {Q&A-37}

**QUESTION** I'm inquiring about the deletion in Part 61 reference the requirement for Helicopter type ratings in small helicopters. Woody Woodruff, at Flight Safety Texas in Hurst is telling his customers they cannot obtain a type rating in small helicopters any longer. I don't see how the deletion of the one sentence in part 61 referencing type ratings in small helicopters does away with type ratings in small helicopters. My basis for this is: The preamble for part 61 references aircraft type ratings in Advisory Circular 61-89D, this AC contains the applicable type ratings for small helicopters that can be issued to holders of an ATP...Additionally, Part 135.243(a)(2) still requires a person to hold an airline transport pilot certificate, 'appropriate' type ratings, etc., for the pilot in scheduled interstate air transportation.

Can you give me any insight on this?? Thanks for your help.

**ANSWER** Yes, we deleted the requirement for type ratings in small aircraft (i.e., small helicopters). Read new §61.5(b)(5). I don't know of any helicopter operations that require an ATP certificate with a helicopter rating and type rating in the type of helicopter. Do you know of any? I believe the last one was Pan Am Helicopters that fell off a roof years ago and then went out of business. So, you no longer issue type ratings on small helicopters. They are treated just like any other small aircraft. Persons who hold type ratings in small helicopters, may retain the ratings. We won't take the ratings away from those who already hold the ratings. {q&a-15}

**INFORMATION:** Implementation of the new Parts 61 and 141 final rule and specifically the new powered-lift rating.

Lynch:(202) 267-3844

Manager, General Aviation and Commercial  
Division, AFS-800

All Regional Flight Standards Division Managers, AFS-200, AFS-600,  
AFS-700, AEU-200, and AAC-950

On August 4, 1997, the new Parts 61 and 141 became effective. Recently, it was discovered that one of our offices have attempted to issue a powered-lift rating. A powered-lift is defined in Title 14 of Part 1 of the Code of Federal Regulations as: Powered-lift means a heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low speed flight that depends principally on engine-driven lift devices or engine thrust for lift during these flight regimes and on nonrotating airfoil(s) for lift during horizontal flight.

However, at this time there are no US civilian certificated powered-lift aircraft. Additionally, we do not have an approved Practical Test Standard to conduct practical tests in a powered-lift. Therefore, until a US civilian certificated powered-lift is established and also an approved Practical Test Standard is established to conduct practical tests in a powered-lift, no powered-lift ratings will be issued.

Sincerely,

Louis C. Cusimano  
{q&a-87}

## 61.13

**QUESTION 1:** Reference §61.45(b). Several calls have been coming in concerning a possible change in policy allowing Cessna 336's and 337's to again be used for practical tests for certificates and ratings. Is this true, has there been a change?

**ANSWER 1:** Yes, because of the phrase in §61.45(b) “. . . **Unless otherwise authorized by the Administrator** . . .”

Per followup discussions with AFS-840, this answer has been revised from my past answers. In the preamble of the final rule correction document that was issued on July 30, 1997 (62 FR 40889), we stated the following:

“§61.45 Practical tests: Required aircraft and equipment. The FAA added the phrase “**unless otherwise authorized by the Administrator**” at the beginning of paragraph (b). This language is necessary because some aircraft are not approved for all of the maneuvers required to be performed during the practical test. For example, an Airbus 300 is not approved for steep turns; however, the Administrator has determined that an applicant can receive a rating in an Airbus 300 without performing the maneuver. A similar provision was

included in §61.13(c) before the adoption of the final rule but was inadvertently omitted when the provisions of that paragraph were incorporated into §61.45(b).”

Now it has been stated that this above statement that was contained in the final rule preamble is not entirely correct. I was informed that some Airbus A320’s, A330’s, and A340 and Boeing B777’s are not required to perform stalls and steep turns, but the airplanes are certainly capable of performing those tasks. However, the airplane flight manual (AFM) prohibits those maneuvers from being performed. The difference between the statement in the final rule and the explanation given in the preceding sentence may be to some of us to be a minor difference in factual content only. Therefore, we’re still discussing an aircraft that is not authorized vs. not capable of performing the maneuver.

But the words in the final rule statement above, the statement could have just as easily substituted the words “Cessna 336/337” or the “Ercoupe 415” in place of “Airbus 300” in that paragraph. Therefore, it is now permitted to once again to begin using a Cessna 336 or Cessna 337 for an airplane multiengine engine land rating. And the pilot certificates will retain the “Limited to center thrust” limitation that is addressed in Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a).

As an example, the person is using a Cessna 336 to add an airplane multiengine land rating onto a commercial pilot certificate for which the applicant already holds an airplane single engine land rating. Specific guidance on the limitations to place on the applicant’s pilot certificate, are as follows:

Commercial Pilot

Airplane Single & Multiengine Land, Limited to Center Thrust

**NOTE:** When the applicant completes a commercial pilot practical test in a multiengine airplane that has a published Vmc speed, the limitation may be removed.

Another example, the person is using a Cessna 336 to add an airplane multiengine rating onto a flight instructor certificate for which the applicant already holds an airplane single engine rating. There is no limitations needed to be placed on the applicant’s flight instructor certificate, because the person’s flight instructor certificate is limited by the privileges on the person’s pilot certificate [see §61.195(b)]. Therefore, an applicant who applies for an airplane multiengine rating onto his flight instructor certificate and performs the practical test in a Cessna 336 and whose commercial pilot certificate contains the “Limited to Center Thrust” limitation would be also be held to that limitation when flight instructing. The flight instructor would still read as follows:

Flight Instructor

Airplane Single Engine and Multiengine

Valid only when accompanied by pilot certificate No. 12345678

**NOTE:** To flight instruct in an multiengine airplane that has a published Vmc speed, the person would merely need to complete training and certification at the commercial pilot level

or ATP level in a multiengine airplane that has a published Vmc speed, and then the limitation would be removed off his pilot certificate.

Another example, the person is using a Cessna 337 to qualify for an additional airplane multiengine land rating onto her existing Private Pilot certificate and instrument privileges in a multiengine airplane for which the applicant already holds an airplane single engine rating and instrument airplane rating. Specific guidance on the limitations to place on the applicant's private pilot certificate, are as follows:

Private Pilot

Airplane Single and Multiengine Land, Limited to Center Thrust

Instrument - Airplane Single Engine and Multiengine, Limited to Center Thrust

**NOTE:** When the applicant completes the training, endorsements, and 3 instrument tasks in a multiengine airplane that has a published Vmc speed, the limitation may be removed.

Another example, the person is using a Ercoupe 415B for a Private Pilot Certificate for an airplane single engine land rating. Specific guidance on the limitations to place on the applicant's private pilot certificate, are as follows:

Private Pilot

Airplane Single Engine Land - Limited to Ercoupe 415

**NOTE:** When the applicant completes a private pilot practical test in a single engine airplane that has a published stall speeds and stalling capabilities, the limitation may be removed.

Another example, the person is using an Airbus 300 to apply for an Airline Transport Pilot Certificate with an airplane multiengine land rating and an A300 type rating. The applicant previously held a Commercial Pilot Certificate with ratings in an ASEL, ASES, and AMEL- Limited to Center Thrust. The applicant's AMEL rating was gained previously by completing the practical test in a CE-337. Specific guidance on the limitations to place on the applicant's pilot certificate, are as follows:

Airline Transport Pilot

Airplane Multiengine Land - Limited to A300

Commercial Pilot Privileges

Airplane Single Engine Land & Sea

**NOTE:** When the applicant completes an ATP practical test in a multiengine airplane that does not have a restriction against performing stalls and steep turns, the limitation may be removed. The center line thrust limitation was removed at completion of the ATP practical test in the A300, because the A300 has a published Vmc speed.

The guidance for the center thrust limitation for military pilots, is being restated here, in accordance with Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a). Military pilots who

qualify for their Commercial Pilot Certificate with an Airplane Multiengine Land Rating and Instrument-Airplane rating, in accordance with §61.73, and for which the military pilot only qualified in a multiengine airplane that was limited to center thrust during the course of his or her military training shall be issued a center thrust limitation. That guidance is stated in Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a) which states in pertinent part, “. . . If the military applicant qualified in a multiengine airplane that does not have a Vmc speed, enter LIMITED TO CENTER THRUST after the airplane multiengine class rating.” Specific guidance on the limitation to place on the applicant’s pilot certificate, are as follows:

Commercial Pilot

Airplane Multiengine Land - Limited to Center Thrust

Instrument - Airplane

This guidance is being developed and will be incorporated into an upcoming change to FAA Orders 8700.1 and 8710.3C. In the interim, comply with the above guidance. There is an upcoming final rule document that we’re getting ready to issue on this matter.

{Q&A-89}

**QUESTION 13:** Since the old §61.13(c), which permitted an applicant to take a practical test in an aircraft that was incapable of performing certain tasks/areas of operation, was deleted in the new Part 61, the new rule in effect prohibits the use of a Cessna 337 for an airplane multiengine land rating. Does this same prohibition apply to military pilots who qualify for a pilot certificate (in accordance with §61.73) and can only show qualification in a military airplane that is limited-to-center line thrust?

**QUESTION 21:** If a student is color blind, will he/she be restricted from flying at night? Or will the person never be able to get a pilot certificate?

**ANSWER 21:** This person must have all the night training required. However, the certificate will be issued with the night flying prohibited limitation because of the medically documented deficiency per 61.13(b).

{q&a-60}

## 61.23

**QUESTION 1:** Ref. §§61.23 and 61.53; In the old §§61.83(c), 61.103(c), and 61.123(c), it required applicants for balloon or glider ratings “. . . to certify that he has no known medical deficiency. . .” on the box W of the FAA Form 8710-1 application. Those provisions were removed from the current §§61.83(c), 61.103(c), and 61.123(c). Does the requirement, “. . . to certify that he has no known medical deficiency. . .” still exist for applicants of balloon or glider ratings?

**ANSWER 1:** Ref. §61.53; No, the requirement no longer exists. Section 61.53(b), in effect, deletes the need for anybody to make this statement on their application. In the rewrite of

Part 61, we eliminated the medical certificate from the eligibility requirements (i.e., §§61.83, 61.103, 61.123, §61.153, etc.) and located all medical certification in §61.23. I am working on making a new application and this box will be deleted. In the interim, the rule applies and as you correctly noticed we deleted the requirement from the rule.

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**QUESTION 1:** In the section on paragraph 61.23 of the “Frequently Asked Questions of parts 61& 141” the question is asked: "What class of medical certificate is needed to take the CFI practical Test?" The answer given is a 3rd class Medical. In a letter dated August 20th, 1997 from Louis C. Cusimano of AFS 840 I submitted the same question. The answer is as follows: "A pilot who holds a valid commercial pilot certificate and an instrument rating, but who does not hold a valid medical certificate, may apply for and be certificated as a flight instructor by a designated pilot examiner, provided the practical test is conducted in accordance with 14 CFR section 61.23 (b) (8). Which interpretation is the correct one?"

**ANSWER 1:** Ref. §61.39(a)(4). To set the record straight, the question that was asked and answered in FAQ document was slightly different than your question.

**If** a designated pilot examiner **agrees** to act as the PIC on the practical test, then a medical would **not** be required as per §61.23(b)(5) and §61.39(a)(4).

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**QUESTION 1:** What are the medical requirements for CFI and do we need to get information out to clarify requirements?

**ANSWER 1:** The medical requirements for the CFI are covered in §61.23. In fact, ALL medical certification requirements are covered in §61.23.

**QUESTION 2:** What class of medical certificate is needed to take the CFI practical test?

**ANSWER 2:** 3rd class medical certificate. Review the §§61.23(a)(3)(iv) and 61.39(a)(4).

§61.23(a)(3)(iv) states:

(a) Operations requiring a medical certificate. Except as provided in paragraph (b) of this section, a person:

\* \* \* \* \*

(3) Must hold at least a third-class medical certificate--

\* \* \* \* \*

(iv) When exercising the privileges of a flight instructor certificate, except for a flight instructor certificate with a glider category rating, if the person is acting as the pilot in command or is serving as a required pilot flight crewmember; or

§61.39(a)(4) states:

(a) Except as provided in paragraphs (b) and (c) of this section, to be eligible for a practical test for a certificate or rating issued under this part, an applicant must:

\* \* \* \* \*

(4) Hold at least a current third-class medical certificate, if a medical certificate is required;

**QUESTION** 3: Does a CFI even need a medical certificate to give flight training?

**ANSWER** 3: Yes, when the flight instructor is acting as the pilot in command or serving as a required pilot flight crewmember. §61.23(b)(5) states:

(b) Operations not requiring a medical certificate. A person is not required to hold a medical certificate:

\* \* \* \* \*

(5) When exercising the privileges of a flight instructor certificate if the person is not acting as pilot in command or serving as a required pilot flight crewmember;  
{q&a-61}

**QUESTION** 2. If a CFI is giving dual instrument instruction in VFR conditions, is the CFI required to have a medical?

**ANSWER** 2. You haven't given me enough information. See §61.23(b)(5), so ". . . if the person is not acting as pilot in command or serving as a required crewmember;" he doesn't need a medical.

{q&a-67}

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**QUESTION 20:** When I'm giving a flight test in a R-22 and the person doesn't meet the SFAR-73 requirements to act as PIC then I act as PIC. Therefore, the applicant is not exercising any pilot privileges. 61.39(a)(4) says "Hold at least a third class medical certificate if a medical is required". I understand this to mean that a medical certificate is not required and he would not need one to take this practical test. Is this correct?

**ANSWER 20:** NO. The applicant is required to have at least a third class medical per 61.23 (a)(3) and 61.39(a)(4). The referenced 61.39(a)(4) "if a medical is required" relates to the fact that balloon and glider pilots do not have a medical certificate requirement.

{q&a-60}

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## 61.29

**QUESTION** 4: §61.29(d)(3) requires a person requesting replacement of an airman certificate, medical, or knowledge report to include their social security number with the request. Should this be optional?

**ANSWER** 4: §61.29(d)(3) reads as follows:

“(d) The letter requesting replacement of a lost or destroyed airman certificate, medical certificate, or knowledge test report must state:”

\* \* \* \* \*

“(3) The social security number.”

However, we agree this was a mistake, because the old §61.29(a)(1) had the words “(if any)” The next correction NPRM we will try to get it changed to say “if required.” We know our unwritten policy guidance provides for people who don’t want the FAA to know their social security number. {q&a-30}

## 61.31

**QUESTION 2:** Situation is an applicant who holds a commercial pilot certificate with an airplane single land rating. The applicant is now seeking to add a helicopter rating onto his commercial pilot certificate. To show 35 hours of PIC time in helicopters as per §61.129(c)(2)(i) how can the applicant obtain and log that PIC time in a helicopter?

**ANSWER 2:** Ref. per §61.51(e) or §61.31(d); The PIC time would have to be obtained:

- a. Already hold a helicopter rating at the private pilot level and then when the flight instructor is on board you could log PIC time while manipulating the control as per §61.51(e)(1)(i); or
- b. (See Note below) Be the sole occupant of the aircraft with a current solo endorsement; or
- c. Per §61.31(d). §61.31(d)(2) and (3) states:

(d) Aircraft category, class, and type ratings: Limitations on operating an aircraft as the pilot in command. To serve as the pilot in command of an aircraft, a person must--

\* \* \* \* \*

(2) Be receiving training for the purpose of obtaining an additional pilot certificate and rating that are appropriate to that aircraft, and be under the supervision of an authorized instructor; or

(3) Have received training required by this part that is appropriate to the aircraft category, class, and type rating (if a class or type rating is required) for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

**NOTE:** Although the current §61.51(e)(1) doesn’t specifically state a pilot can log PIC time in an aircraft for which that pilot may not be rated, but in the preamble of the final rule on page 16250 of the Federal Register (62 FR 16250; April 4, 1997) the FAA stated “These pilot may properly log pilot in command time: . . . (2) when the pilot is the sole occupant of the aircraft; . . .” A soon to be released correction final rule is coming out that will provide for pilots (who may not be rated in a certain category and class of aircraft) to log PIC time when they are the sole occupant of that aircraft. In the interim comply with this preamble language.

{q&a-146}



**QUESTION 1:** Is it possible that a student pilot could take the practical test for a private grade certificate in a tailwheel airplane without ever having received or logged wheel landings or have flown solo in a tailwheel airplane as a student pilot without having received or logged training on wheel landings? Part 61.31 (i) requires a pilot-in-command of a tailwheel airplane to have received and logged wheel landings. However, Part 61.31(k)(2)(ii) excepts holders of student pilot certificates from 61.31(i)(1)(ii).

**ANSWER 1:** Reference §61.107(b)(1)(iv). Most certainly, the applicant would have to exhibit skill and proficiency in wheel landings. A student pilot applying for a private pilot certificate using a tailwheel airplane shall comply with §61.107(b)(1)(iv), and one of the tasks in that area of operation (see FAA-S-8081-15; Private Pilot PTS on pages 1-11 thru -14) would involve "Exhibits knowledge of the elements related to a . . . and landing", and §61.107(a) requires the training be received and logged. §61.31(k)(2)(ii) is a stand alone rule, completely independent of §61.31(i)(1)(ii).  
{q&a-97}

**QUESTION 2:** Reference §61.31(f). Situation is, a person completed a high performance checkout in a Piper Cherokee with a 180hp engine prior to August 4, 1997. The endorsement says it is for a high performance airplane checkout. Can we accept this checkout for a high performance airplane checkout, in accordance with §61.31(f)?

**ANSWER 2:** No; per §61.31(f). A Piper Cherokee with a 180hp engine IS NOT A HIGH PERFORMANCE AIRPLANE. As you stated, it has a retractable landing gear, flaps, and a controllable pitch propeller, but it does not have AN ENGINE with more than 200 horsepower. So, the endorsement is good for the §61.31(e) checkout (i.e., complex airplane), but not for the high performance airplane checkout.  
{q&a-89}

**QUESTION:** Does 61.31(f) apply only to single engine airplanes? Almost all multiengine airplanes have more than 200 total horsepower.

**ANSWER:** Read §61.31(f). It says airplane. It doesn't say single engine airplane, it doesn't say multiengine, it says "airplane." As long as some place on that airplane you can find at least ONE engine that is more than 200 horsepower then it is a high performance airplane.  
{q&a-22}

**QUESTION 1** Does a pilot have PIC privilege in a high performance aircraft (e.g. C-182) if a "high performance" endorsement was received before Aug. 4, 1997 as the result of training in a 180hp Piper Arrow and the pilot has NEVER flown an aircraft with an engine having more than 200 hp?

**ANSWER 1:** He does not have PIC privileges in a high performance airplane. Per §61.31(f)(2) says ". . . has logged flight time as pilot in command of a high performance airplane. . . prior to August 4, 1997." And §61.31(f)(1) says a high performance is ". . . (an airplane with an

engine of more than 200 horsepower). . ." A 180 hp Piper Arrow does not meet the definition of a high performance airplane.

**QUESTION 2** Conversely: Does a pilot have PIC privilege in a complex aircraft (e.g. Piper Arrow) if a "high performance" endorsement was received before Aug. 4, 1997 as the result of training in a Cessna 182 and the pilot has NEVER flown an aircraft with retractable landing gear?

**ANSWER 2:** No, he does not have PIC privileges in a complex airplane. Per §61.31(e)(2) says " . . . has logged flight time as pilot in command of a complex airplane . . . prior to August 4, 1997." And §61.31(e)(1) says a complex airplane is " . . . (an airplane that has a retractable landing gear . . . )" A fixed gear Cessna 182 does not meet the definition of a complex airplane. {q&a-64}

**QUESTION 1.** If a Private Pilot is acting as SIC in a complex airplane, does that pilot need the complex endorsement?

**ANSWER 1.** No; But §61.55 may apply, if a SIC is required. {q&a-67}

I have a copy of a "Pilot Examiner Standardization Handout" published by AFS-640- - author Allan Pinkston dated 7-1-97. He refers to the new definition of " a high-performance airplane".

"Definition of a high-performance airplane is changed to 'an airplane with an engine of more than 200 horsepower'. (with an engine is underlined in his copy) Now some light twin engine airplanes may be 'complex' but not 'high-performance'. Incidentally, turbojet airplanes meet the high-performance definition but are not 'complex'".

It would appear that the intent of the regulation change was to ensure that the pilots had experienced a checkout in an aircraft with a bit of power. As you can see, a multi-engine aircraft with two engines of 200 hp each exceeds that requirement substantially at  $200 \times 2 = 400$  hp. I can see where a extremely narrow interpretation of the language of the regulation could lead to this analyses, but, find it to be perhaps a bit too literal.

**QUESTION** Was it your intention that a 400 hp aircraft not qualify because it derives that 400 hp from more than one engine? If so, please explain the value either to pilot safety or proficiency so that we can relate same to the folks who are going to ask us that question. I have already had one inquiry from a DPE and will surely receive more.

Perhaps the regulation might be restructured to address this issue. We might have a bit of a go of it should anyone decide to litigate this issue if we attempt to pursue a violation of the FAR on this basis.

**ANSWER:** Please review the new §61.31(f) which states, in pertinent part, " . . . an engine . . . " So if that multiengine airplane doesn't have "an engine" of more than 200 horsepower then it isn't a high performance airplane. Otherwise, what the rule is saying that ONE ENGINE on the airplane must be more than 200 horsepower. In your example, you state that both engines are exactly 200 horsepower. Therefore, IT IS NOT A HIGH PERFORMANCE AIRPLANE.

{q&a-24}

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§61.31(f) states in pertinent part, ". . . an engine. . ." So if it is a high performance airplane, you better show me at least ONE ENGINE that has more than 200 horsepower. You can have 10 engines on the airplane and 9 of those engines can be 10 horsepower each, but that 10th engine better be **more than 200 horsepower** if it is to be considered a high performance airplane.

{q&a-24}

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**QUESTION** 1: Is a Piper Senaca II a high performance airplane. The Piper Senaca II AFM says its engines are rated at 200 horsepower at sea level and increase in altitude up to 215 horsepower at 12,000.

**ANSWER** 1: It is a high performance airplane. The rule states, in pertinent part, “. . . (an airplane with an engine of more than 200 horsepower) . . .” And as you stated, the Piper Senaca II is “an airplane with **an engine of more than 200 horsepower.**” The rule does not differentiate where the engine has to be more than 200 horsepower, it just says “**an engine of more than 200 horsepower.**”

{q&a-59}

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**QUESTION** 1. Please confirm that even if you logged "complex" PIC under the old rule with the old endorsement, you will not be eligible to PIC a high performance airplane under the new rule unless some of that "complex" time involves an aircraft that has at least one engine with more than 200 HP. I know of at least 1 school in this district planning a weekend marathon in a CE-182 to make sure the students and staff make it under the grandfather clause.

**ANSWER** 1: Reference §61.31(f) and (g) As of August 4, 1997 a person must show PIC time in a complex airplane "(an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller;. . ." And also a SEPARATE training requirement, as of August 4, 1997 a person must show PIC time in a high performance airplane ". . .(an airplane with an engine of more than 200 horsepower). . ." The complex airplane training and endorsement is a separate requirement from the high performance airplane requirement. However, if the person showed PIC time before August 4, 1997 in a Cessna 210RG, then that airplane would meet the requirement for both the "complex airplane" and the "high performance airplane."

{q&a-8}

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**QUESTION** 3. Now that "AERO TOW ONLY" and "GROUND LAUNCH ONLY" are obsolete, should we reissue all certificates with glider ratings to read "(PVT/COM'L) PRIVILEGES--GLIDER"?

I have a GLIDER-AERO TOW. If I act as PIC during a ground launch after getting a CFI endorsement and if I don't get my certificate reissued-- wouldn't I be in violation of a restriction on my certificate, even though I'm in compliance with the rule.

**ANSWER** 3:[§61.31(k)] Order 8700.1, Ch. 17 is being drafted to address that issue. But you can have the limitations removed when you have your certificate re-issued, or you can apply right now to have it reissued without the limitation, or if you never get your certificate re-issued

you can keep the limitation. It makes no difference. §61.31(k) is the rule that addresses your question.

{q&a-8}

## 61.35

**QUESTION 1:** Is there a new policy that no longer requires an applicant's logbook to be inspected by the FAA prior to taking the ATP knowledge test? The old §61.153 stated "An applicant for an airline transport pilot certificate with an airplane rating must, after meeting the requirements of §§61.151 [except paragraph (a) thereof] and 61.155, pass a written test on . . ." which, in effect, required that applicant's logbook to be inspected by the FAA to ensure the applicant possessed the required aeronautical experience prior to taking the knowledge test.

**ANSWER 1:** The policy concerning the prerequisites for taking a knowledge test is addressed in §61.35. In response to AFS-1's desire to eliminate certain work tasks required of the Flight Standards District Offices (FSDO), the rule-making team on the Part 61 was directed to eliminate the requirements of §61.153. Therefore, §61.35 applies to ATP applicants taking the ATP knowledge test just like this rule applies to all applicants for knowledge tests. However, in the case of ATP applicants for the knowledge test, they are not required to receive an endorsement from an instructor prior to taking the knowledge test [i.e., §61.35(a)(1)]. Section 61.151 does not require an ATP applicant to receive an endorsement from an instructor prior to taking the knowledge test. A minor change is coming out this month in a correction final rule to specifically excuse an ATP applicant from being required to receive an endorsement from an instructor.

{q&a-134}

**QUESTION:** Can a person take the Airline Transport Pilot (ATP) - Airplane knowledge test before age 21 and the ATP practical test before age 23?

For years it has been permissible for a person as young as age 18 that had the required flight experience to take the Airline Transport Pilot - Airplane written (knowledge) test and then the practical test. If the person was successful with both, a letter would be issued and later at age 23 the person could receive the actual ATP certificate. Isn't this still true?

**ANSWER: KNOWLEDGE TEST:** Not before the first day of the month of the person's 21st birthday. The knowledge test must be taken in accordance with 61.35(a)(2)(iii) which requires identification at the time of application that contains:

- (iii) Date of birth, which shows the applicant meets or will meet the age requirements of this part for the certificate sought before the expiration date of the airman knowledge test report;

Since the knowledge test would be valid for 24 "calendar" months the person could possibly take the test up to 27 to 30 days before the actual birth date if that date is the last day of a month.

**PRACTICAL TEST:** NO, not before the person's 23rd birth day. This practical test must be taken in accordance with §61.39(a)(5) which states an applicant must:

- (5) Meet the prescribed age requirement of this part for the issuance of the certificate or rating sought.

{q&a-114}

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**QUESTION:** An airman has asked if he can take the ATP knowledge test without a commercial/instrument certificate. In reviewing 61.153, 61.155, 61.35, the preambles (61-102 & 61-103) and AFS-630, it is not clear to me. Could you please tell me all of the prerequisites for taking the ATP knowledge test?

**ANSWER:** There is no eligibility prerequisites for the ATP knowledge test. The only prerequisites are addressed in §61.35. And for the ATP knowledge test, there is NO endorsement requirements. Let the person take the knowledge test.

{q&a-58}

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## 61.39

**QUESTION 2:** Reference §61.39(a)(5); As a follow-on to the above question, the policy in Order 8700.1, volume 2, page 7-1, paragraph 5.D. permitted an applicant to take the practical test for the ATP certificate prior to the age of 23 and if they passed, the FSDO would then issue the applicant a letter of aeronautical competency while the applicant waited until she or he became 23 years of age. Is this still permitted?

**ANSWER 2:** No; Reference §61.39(a)(5), the rule states “. . . Meet the prescribed age requirement of this part for the issuance of the certificate or rating sought; . . .” The applicant must be 23 years of age. Change 18 to Order 8700.1 will delete paragraph 5.D.

{q&a-134}

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**QUESTION:** Can a person take the Airline Transport Pilot (ATP) - Airplane knowledge test before age 21 and the ATP practical test before age 23?

For years it has been permissible for a person as young as age 18 that had the required flight experience to take the Airline Transport Pilot - Airplane written (knowledge) test and then the practical test. If the person was successful with both, a letter would be issued and later at age 23 the person could receive the actual ATP certificate. Isn't this still true?

**ANSWER: KNOWLEDGE TEST:** Not before the first day of the month of the person's 21st birthday. The knowledge test must be taken in accordance with 61.35(a)(2)(iii) which requires identification at the time of application that contains:

- (iii) Date of birth, which shows the applicant meets or will meet the age requirements of this part for the certificate sought before the expiration date of the airman knowledge test report;

Since the knowledge test would be valid for 24 “calendar” months the person could possibly take the test up to 27 to 30 days before the actual birth date if that date is the last day of a month.

**PRACTICAL TEST:** NO, not before the person’s 23rd birth day. This practical test must be taken in accordance with §61.39(a)(5) which states an applicant must:

- (5) Meet the prescribed age requirement of this part for the issuance of the certificate or rating sought.  
{q&a-114}

**QUESTION 4:** §61.39 (c)(3) appears to say that a person taking a ATP practical test in a single engine or light twin does not have to have 61.39(a)(6) -- training within 60 days prior and recommendation -- however, if the practical test will be in an aircraft requiring a type rating (B757, C501, etc.) the training and recommendation IS REQUIRED. Is it intended?

**ANSWER 4:** This is a mistake and we’re correcting §61.39(a)(6) to read as follows:

- (6) Have an endorsement, if required by this part, in the applicant’s logbook or training record that has been signed by an authorized instructor who certifies that the applicant-

The correction is coming out in the upcoming final rule correction document.

{q&a-60}

**QUESTION 20:** When I’m giving a flight test in a R-22 and the person doesn’t meet the SFAR-73 requirements to act as PIC then I act as PIC. Therefore, the applicant is not exercising any pilot privileges. 61.39(a)(4) says “Hold at least a third class medical certificate if a medical is required”. I understand this to mean that a medical certificate is not required and he would not need one to take this practical test. Is this correct?

**ANSWER 20:** NO. The applicant is required to have at least a third class medical per 61.23 (a)(3) and 61.39(a)(4). The referenced §61.39(a)(4) “if a medical is required” relates to the fact that balloon and glider pilots do not have a medical certificate requirement.

{q&a-60}

## 61.43

**QUESTION:** Our office had an inspector trainee recently return from the Academy with information that appears in conflict with our office inspectors opinions and some of the practical test standards. He was told that if an applicant failed an area of operation he must be retested on the entire area of operation failed including the tasks that were completed successfully within that area.

I will use the Private PTS as an exaggerated example. An applicant successfully completed the entire flight test but on one of the tasks listed in area of operation I, he failed. I will use aeromedical factors task H, as the unsuccessful task. When he is retested, according to the academy training, he must be retested on the entire area of operation I, which would included the following tasks: A. Certificates and documents, B. Weather information, C. Cross country flight planning, D National airspace system, E. Performance and limitations, F. Operation of systems, G. Minimum equipment list, and the failed task H. Aeromedical factors.

In this exaggerated example, that is an incredible amount of retesting for someone not knowing anything about carbon monoxide dangers. Further, this procedure conflicts with page vii, describing Unsatisfactory Performance that states the applicant is entitled credit for only those TASKS satisfactorily performed.

**ANSWER:** Ref. §61.43(f), Order 8710.3C [Page 5-21, paragraph 5.E.(7)(a) and page 5-6, paragraph 21.B] and the PTS [Paragraphs noted as "Unsatisfactory Performance"];

THE RULE DOES NOT REQUIRE AN EXAMINER TO RE-TEST AN APPLICANT ON EVERY TASK WITHIN A FAILED AREA OF OPERATION. Section 61.43(f) is silent on the matter of retesting TASKS within a failed area of operation. AGAIN EMPHASIS IS ON "THE RULE DOES NOT REQUIRE AN EXAMINER TO RE-TEST AN APPLICANT ON EVERY TASK WITHIN A FAILED AREA OF OPERATION." However, the rule does not prevent an examiner from re-testing an applicant on every task within a previously failed area of operation. In accordance with Order 8710.3C, page 5-6, paragraph 21.B, an examiner has the authority to re-evaluate any TASK within an area of operation that was previously failed.

Ref. §61.43(f); Per §61.43(f), it states:

"If a practical test is discontinued, the applicant IS ENTITLED CREDIT FOR THOSE AREAS OF OPERATION THAT WERE PASSED, but only if the applicant . . ." The key words to focus on here is "AREAS OF OPERATION." It doesn't say anything about "TASK."

Reference a review of the Private Pilot PTS, the paragraph noted as "Unsatisfactory Performance" on page vii, it states in pertinent part,

". . . Whether the test is continued or discontinued, the applicant is entitled credit for only those TASKS satisfactorily performed. However, during the retest and at the discretion of the examiner, any TASK may be re-evaluated, including those previously passed."

Yes, the examiner has the authority to ". . . at the discretion of the examiner, any TASK may be re-evaluated, . . ."

What this is saying, in effect, is yes, any TASK may be re-evaluated within that failed area of operation. But read on, because Order 8710.3C, page 5-6, paragraph 21.B states: "**Whenever the examiner has reason to doubt** the applicant's competence in areas for which the applicant

received credit during a previous practical test, the examiner SHALL reexamine the applicant on all areas of operation required for that certificate or rating."

First example, what Order 8710.3C, page 5-6, paragraph 21.B is saying:

An applicant for a Private Pilot Certificate for an airplane single engine land rating successfully completes the entire flight test but on one of the tasks listed in Area of Operation I of the Private Pilot PTS, he failed. The applicant failed aeromedical factors task H. When the applicant is retested, the examiner MAY or MAY NOT retest the applicant on every task within Area of Operation I. Area of Operation I includes the following task: A. Certificates and documents; B. Weather information; C. Cross country flight planning; D National airspace system; E. Performance and limitations; F. Operation of systems; G. Minimum equipment list; H. Aeromedical factors.

The examiner, in accordance with Order 8710.3C, page 5-6, paragraph 21.B, has the authority and should re-examine the applicant on all tasks within that failed area of operation. However, the examiner in accordance with the Private Pilot PTS [the paragraph noted as "Unsatisfactory Performance" on page vii] ". . . the applicant is entitled credit for only those TASKS satisfactorily performed. However, during the retest and at the discretion of the examiner, any TASK may be re-evaluated, including those previously passed."

Second example:

An applicant for a Private Pilot Certificate for an airplane single engine land rating fails the VI. Ground Reference Maneuvers Area of Operation but passes all of the remaining Areas of Operation of the Private Pilot PTS. On the retest, ". . . **the examiner has reason to doubt** the applicant's competence on the Navigation Area of Operation because applicant appeared to be weak in finding his way back to the airport. Then, in accordance with Order 8710.3C, page 5-6, paragraph 21.B, yes the examiner has the authority and should re-examine the applicant on that area of operation.

So, for an individual examiner to make a "blanket policy" to retest applicants on everything is not appropriate, nor does §61.43(f) support such a policy, nor does the PTS support such a policy, nor does FAA Order 8710.3C support such a policy.

{q&a-140}

**QUESTION 13** 61.43(f) states that the applicant is entitled credit for those areas of operation that were passed. Does this mean those areas can not be retested on the applicants next attempt?

**ANSWER 13.** The rule does not prevent an examiner examining areas where there is reasonable doubt on that applicant's skills and abilities.

§61.43(f) states:

"(f) If a practical test is discontinued, the applicant is entitled credit for those areas of operation that were passed, but only if the applicant:



- (1) Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued;
  - (2) Presents to the examiner for the retest the original notice of disapproval form or the letter of discontinuance form, as appropriate;
  - (3) Satisfactorily accomplishes any additional training needed and obtains the appropriate instructor endorsements, if additional training is required; and
  - (4) Presents to the examiner for the retest a properly completed and signed application.”
- {q&a-9}

**QUESTION 6:** §61.43(b) as written could possibly apply to a private pilot practical test in a Cessna 150 if you don't clarify that this provision is only applicable to aircraft that by its type certificate requires a crew of two.

**ANSWER 6:** We have to disagree with you on this one. §61.43(b) states:

(b) If an applicant does not demonstrate single pilot proficiency, **as required in paragraph (a)(5) of this section**, a limitation of "Second in Command Required" will be placed on the applicant's airman certificate. The limitation may be removed if the applicant passes the appropriate practical test by demonstrating single-pilot competency in the aircraft in which single-pilot privileges are sought.

and (a)(5) states:

(5) Demonstrate single-pilot competence **if the aircraft is type certificated for single-pilot operations.**

{q&a-30}

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**QUESTION 7:** Every PTS gives the examiner the option to retest even areas of operation that were passed. But, §61.43(f) states:

- (f) If a practical test is discontinued, the **applicant is entitled credit for those areas of operation that were passed**, but only if the applicant:
- (1) Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued;
  - (2) Presents to the examiner for the retest the original notice of disapproval form or the letter of discontinuance form, as appropriate;
  - (3) Satisfactorily accomplishes any additional training needed and obtains the appropriate instructor endorsements, if additional training is required; and
  - (4) Presents to the examiner for the retest a properly completed and signed application.

**ANSWER 7:** At this late date, it would be beyond what is legal to change the rule. We believe the rule actually states FAA policy on this matter. However, FAA's existing policy supports an examiner if during the retest he or she observed an unsatisfactory performance of a task on an area of operation that was initially passed. We believe the wording of the rule supports that. But we don't want the examiner doing the entire test over again. That isn't fair either.

{q&a-30}

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**QUESTION 1** The REG talks to a 60 day limit for the certification process.

1. The Discontinued practical test; is that adding an additional 60 days to the process or is it 60 days Period?

**ANSWER** 1 The answer to your question is contained in §61.43(f) and specifically subparagraph (1):

(f) If a practical test is discontinued, the applicant is entitled credit for those areas of operation that were passed, but only if the applicant:

(1) **Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued;**

(2) Presents to the examiner for the retest the original notice of disapproval form or the letter of discontinuance form, as appropriate;

(3) Satisfactorily accomplishes any additional training needed and obtains the appropriate instructor endorsements, if additional training is required; and

(4) Presents to the examiner for the retest a properly completed and signed application.

For example, if an applicant's practical test is discontinued on September 5, 1997, then that applicant must complete the rest of the practical test on or before 11:59:59pm on November 11, 1997, OR ELSE. In counting from September 5 to November 11, it is 60 days exactly.

**QUESTION 2:** Is there any time limit between simulator and aircraft checks?

**ANSWER 2:** Just like §61.43(f) says, "the 60-day period after the date the practical test was discontinued;" **So**, if an applicant's practical test is discontinued on September 5, 1997, then that applicant must complete the rest of the practical test on or before 11:59:59pm on November 11, 1997, OR ELSE.

**QUESTION 3:** . If I completed a Simulator check and are waiting to get an Aircraft Check, and my Oral date exceeds 60 days. Must I redo the Simulator portion or just restart the 60 day clock with a new Oral?

**ANSWER 3:** Just like §61.43(f)(1) says, "the applicant is entitled credit for those areas of operation that were passed, but only if the applicant:

(1) Passes the remainder of the practical test within the 60-day period after the date the practical test was discontinued;"

**So**, if an applicant's practical test is discontinued on September 5, 1997, then that applicant must complete the rest of the practical test on or before 11:59:59pm on November 11, 1997, OR start over.

{q&a-54}

**QUESTION 1:** As per §61.43(b), our read on this new rule would allow somebody to qualify in a Cessna 500 or 550 for a CE-500 type rating and then operate a Cessna 501 or 551 as a PIC without an SIC. As you know the Cessna 500 and 550 are airplanes that require an SIC and the Cessna 501 and 551 do not require an SIC. However, it is possible for a person to take his

checkride in a Cessna 500 or 550 and never have demonstrated PIC proficiency without having an SIC on board. But because the Cessna 500, 501, 550, and 551 all have the same "CE-500" type rating on a person's pilot certificate, it is possible for that same person to take his practical test in a Cessna 500 or 550 and then be legal to serve as a PIC on a Cessna 501 and 551 without an SIC.

**ANSWER 1:** The new §61.43(b) neither added to or subtracted from the possibility of this happening. In a review of this issue, we agree that the possibility of this happening is possible, but as it has always been said ALL the rules in the world will not prevent stupidity. However, to date this office is not aware of any cases where persons who qualified in a Cessna 500 or 550 are operating Cessna 501's and 551's as a PIC in solo flight. Do you know of any such cases where this is occurring or has occurred?

{q&a-6}

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**QUESTION 10:** The revised FAR 61.43(b) requires that the limitation "Second in Command Required" be placed on the airman certificate of an airman who does not demonstrate single-pilot competence during a practical test if the aircraft is type certificated for single-pilot operations.

In the past, the Cessna Exemption (4050I, as amended) defined competence as completing the entire practical test required by the Practical Test Standards (PTS) for the airman rating sought, and it specified circling approaches in both directions. This exemption does not apply to the C-501 and C-551 aircraft, which are type certificated for a single pilot. The PTS for Airline Transport Pilot and type ratings is silent on the subject of single pilot competence.

This office believes, that in order to meet the requirement of demonstrating competence in single-pilot operations, it would be necessary for the applicant to circle in both directions. Additionally, it is felt that an individual who wishes to add single-pilot authority to his/her certificate must complete the entire practical test to remove the restriction. This authority is not clearly granted or denied in the PTS.

We respectfully request guidance on this matter as the date of Part 61 implementation is fast approaching (Aug. 4, 1997).

**ANSWER 11:** To summarize, the question involves an applicant who qualifies in a Cessna 550 and now holds a CE-500 type rating. No place on that applicant's pilot certificate does it contain the limitation "Second in Command Required" and the applicant did not demonstrate single pilot performance. So the applicant is technically legal to fly a Cessna 501 and a Cessna 551 without an SIC. However going the different route, an applicant who qualifies in a Cessna 501, but did not demonstrate single pilot performance, would have the limitation "Second in Command Required" Both applicants now hold a CE-500 type rating.

The new §61.43(b) did not add nor did it create this problem. we find it quite improbable that a person who has never received training nor passed a practical test in the Cessna 501 (or a Cessna 551 whatever) would attempt to fly it single pilot. We believe this is one of these "what if" questions.

We realize this is a potential problem, but going the other way and requiring our AFS-760 office to place the limitation "Second in Command Required" on every applicant's pilot certificate causes a different set of problems and bookkeeping requirements.

{q&a-73}

## 61.45

**QUESTION 1:** Reference §61.45(b). Several calls have been coming in concerning a possible change in policy allowing Cessna 336's and 337's to again be used for practical tests for certificates and ratings. Is this true, has there been a change?

**ANSWER** Per followup discussions with AFS-840, this answer has been revised. In the preamble of the final rule correction document that was issued on July 30, 1997 (62 FR 40889), we stated the following:

"§61.45 Practical tests: Required aircraft and equipment. The FAA added the phrase **"unless otherwise authorized by the Administrator"** at the beginning of paragraph (b). This language is necessary because some aircraft are not approved for all of the maneuvers required to be performed during the practical test. For example, an Airbus 300 is not approved for steep turns; however, the Administrator has determined that an applicant can receive a rating in an Airbus 300 without performing the maneuver. A similar provision was included in §61.13(c) before the adoption of the final rule but was inadvertently omitted when the provisions of that paragraph were incorporated into §61.45(b)."

Now it has been stated that this above statement that was contained in the final rule is not entirely correct. Some Airbus A320's, A330's, and A340 and Boeing B777's are not required to perform stalls and steep turns, but the airplanes are certainly capable of performing those tasks. However, the airplane flight manual (AFM) prohibits those maneuvers from being performed. The difference between the statement in the final rule and the explanation given in the preceding sentence may be to some of us to be minor in factual content. Therefore, we're still discussing an aircraft that is not authorized vs. not capable of performing the maneuver.

But the words in the final rule statement above, the statement could have just as easily substituted the words "Cessna 336/337" or the "Ercoupe 415" in place of "Airbus 300" in that paragraph. Therefore, it is now permitted to once again to begin using a Cessna 336 or Cessna 337 for an airplane multiengine engine land rating. And the pilot certificates will retain the "Limited to center thrust" limitation that is addressed in Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a).

As an example, the person is using a Cessna 336 to add an airplane multiengine land rating onto a commercial pilot certificate for which the applicant already holds an airplane single engine land rating. Specific guidance on the limitations to place on the applicant's pilot certificate, are as follows:

**Commercial Pilot****Airplane Single & Multiengine Land, Limited to Center Thrust**

**NOTE:** When the applicant completes a commercial pilot practical test in a multiengine airplane that has a published Vmc speed, the limitation may be removed.

Another example, the person is using a Cessna 336 to add an airplane multiengine rating onto a flight instructor certificate for which the applicant already holds an airplane single engine rating. There is no limitations needed to be placed on the applicant's flight instructor certificate, because the person's flight instructor certificate is limited by the privileges on the person's pilot certificate [see §61.195(b)]. Therefore, an applicant who applies for an airplane multiengine rating onto his flight instructor certificate and performs the practical test in a Cessna 336 and whose commercial pilot certificate contains the "Limited to Center Thrust" limitation would be also be held to that limitation when flight instructing. The flight instructor would still read as follows:

**Flight Instructor****Airplane Single Engine and Multiengine****Valid only when accompanied by pilot certificate No. 12345678**

**NOTE:** To flight instruct in an multiengine airplane that has a published Vmc speed, the person would merely need to complete training and certification at the commercial pilot level or ATP level in a multiengine airplane that has a published Vmc speed, and then the limitation would be removed off his pilot certificate.

Another example, the person is using a Cessna 337 to qualify for an additional airplane multiengine land rating onto her existing Private Pilot certificate and instrument privileges in a multiengine airplane for which the applicant already holds an airplane single engine rating and instrument airplane rating. Specific guidance on the limitations to place on the applicant's private pilot certificate, are as follows:

**Private Pilot****Airplane Single and Multiengine Land, Limited to Center Thrust****Instrument - Airplane Single Engine and Multiengine, Limited to Center Thrust**

**NOTE:** When the applicant completes the training, endorsements, and 3 instrument tasks in a multiengine airplane that has a published Vmc speed, the limitation may be removed.

Another example, the person is using a Ercoupe 415B for a Private Pilot Certificate for an airplane single engine land rating. Specific guidance on the limitations to place on the applicant's private pilot certificate, are as follows:

**Private Pilot****Airplane Single Engine Land - Limited to Ercoupe 415**

**NOTE:** When the applicant completes a private pilot practical test in a single engine airplane that has a published stall speeds and stalling capabilities, the limitation may be removed.

Another example, the person is using an Airbus 300 to apply for an Airline Transport Pilot Certificate with an airplane multiengine land rating and an A300 type rating. The applicant previously held a Commercial Pilot Certificate with ratings in an ASEL, ASES, and AMEL-Limited to Center Thrust. The applicant's AMEL rating was gained previously by completing the practical test in a CE-337. Specific guidance on the limitations to place on the applicant's pilot certificate, are as follows:

Airline Transport Pilot

Airplane Multiengine Land - Limited to A300

Commercial Pilot Privileges

Airplane Single Engine Land & Sea

**NOTE:** When the applicant completes an ATP practical test in a multiengine airplane that does not have a restriction against performing stalls and steep turns, the limitation may be removed. The center line thrust limitation was removed at completion of the ATP practical test in the A300, because the A300 has a published Vmc speed.

The guidance for the center thrust limitation for military pilots, is being restated here, in accordance with Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a). Military pilots who qualify for their Commercial Pilot Certificate with an Airplane Multiengine Land Rating and Instrument-Airplane rating, in accordance with §61.73, and for which the military pilot only qualified in a multiengine airplane that was limited to center thrust during the course of his or her military training shall be issued a center thrust limitation. That guidance is stated in Order 8700.1, Volume 2, page 28-6, paragraph 5.I.(2)(a) which states in pertinent part, "... If the military applicant qualified in a multiengine airplane that does not have a Vmc speed, enter LIMITED TO CENTER THRUST after the airplane multiengine class rating." Specific guidance on the limitation to place on the applicant's pilot certificate, are as follows:

Commercial Pilot

Airplane Multiengine Land - Limited to Center Thrust

Instrument - Airplane

This guidance is being developed and will be incorporated into an upcoming change to FAA Orders 8700.1 and 8710.3C. In the interim, comply with the above guidance. There is an upcoming final rule document that we're getting ready to issue on this matter.

(Q&A-89)

**QUESTION 3:** Reference §61.45(a)(1)(i). Is it possible, as an example, for an applicant to use a Piper Seneca II on the practical test for the complex airplane requirements for the Commercial

Pilot Certificate with an airplane single engine land rating? Even if the applicant is not rated in a multiengine airplane”

**ANSWER 3:** Yes, a complex multiengine airplane can be used on the practical test to meet the complex airplane requirements of the Commercial Pilot Certificate for an airplane single engine land rating.

However, if the applicant does not hold an airplane multiengine land rating, somebody else has to be the PIC for the practical test. Hopefully, this doesn't happen to often.

This is the rationale behind this answer. The aeronautical experience for the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] just says “. . . **in an airplane** that has a retractable landing gear, flaps, and a controllable pitch propeller. . .” Now for the commercial pilot certificate with a multiengine airplane rating [i.e., §61.129(b)(3)(ii)] it says “. . . **in a multiengine airplane** that has a retractable landing gear, flaps, and a controllable pitch propeller. . .” We made a distinction between the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] vs. the commercial pilot certificate with a multiengine airplane rating [i.e., §61.129(b)(3)(ii)]. In the aeronautical experience for the commercial pilot certificate with a single engine airplane rating [i.e., §61.129(a)(3)(ii)] the rule is silent on whether the airplane has to be a single engine or multiengine. But in §61.129(b)(3)(ii) for the commercial pilot certificate with a multiengine airplane rating, the rule specifically requires the aeronautical experience be in a multiengine airplane.

But, there is a difference for Part 141 schools. The rules in Appendix D of Part 141 [i.e., paragraph (b)(1)(ii)] specifically require the training to be in a complex single engine airplane for a course of training leading to a Commercial Pilot Certificate with an airplane single engine rating. Yes, the rule was written that way on purpose! We should expect better standards from our Part 141 schools without question!

{q&a-89}

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**QUESTION 3:.** Ref 61.45(c), how does a DPE give a practical test in a glider if the regs require engine power controls?

**ANSWER 3:.** The intent of §61.45(c) is really for powered aircraft. Well, it also applies for taking practical tests in motorized gliders. But we agree, we probably should have added the words "and a glider without an engine)" in the phrase "(other than a lighter-than-air aircraft)." {q&a-67}

**QUESTION 2:** The Winston-Salem police department wants to use their military surplus OH-58 helicopters to qualify some of their police personnel for a commercial pilot certificate with a helicopter rating. These OH-58 helicopters do not hold any kind of FAA airworthiness certificate. They are excess military aircraft that were given to the police department. Can they take their practical tests in these helicopter?

**ANSWER 2:** No; per §61.45(a)(1)(ii) or (a)(2)(i). The aircraft has to have an airworthiness certificate. This is not just required in §61.45(a), but is also a requirement in Public Law 100-223, AC No. 00-1.1 [i.e., paragraph 5.a.], and also by HBGA 97-06, paragraph 3 that was issued on June 11, 1997. Furthermore, we in the FAA have the responsibility to administer Public Law 100-223. Per this public law and per an AGC-100's legal interpretation, training for pilot certification is not even permitted in these public use aircraft that do not hold an FAA airworthiness certificate.

{q&a-75}

## 61.49

**QUESTION 9:** §61.49(a)(2) states:

"(2) An endorsement from an authorized instructor who gave the applicant the additional training."

Where is the endorsement given, on a piece of paper, another application, logbook???

**ANSWER 9:** We will change §61.49(a)(2) to clarify where the endorsement should be placed to read as follows:

(2) An endorsement on a newly completed application and in the applicant's logbook from an authorized instructor who gave the applicant the additional training.

{q&a-30}

## 61.51

**QUESTION:** Question regarding 61.51(e)(3) and 61.23(b)(5)-- Can a CFI who is exercising the privileges of a flight instructor certificate under 61.23(b)(5) log PIC even though he or she does not have a valid medical certificate.

**ANSWER:** Ref. §61.51(e)(3): Yes, the CFI may log it as PIC time. As I have stated in the past the rules are different between "logging PIC time" under §1.1 vs "acting as the PIC" under §61.51(e)(3). The CFI cannot "act as the PIC" without a medical certificate, but he or she can certainly "log it as PIC time."

{ q&a-137}

**QUESTION 2:** Situation is an applicant who holds a commercial pilot certificate with an airplane single land rating. The applicant is now seeking to add a helicopter rating onto his commercial pilot certificate. To show 35 hours of PIC time in helicopters as per §61.129(c)(2)(i) how can the applicant obtain and log that PIC time in a helicopter?

**ANSWER 2:** Ref. per §61.51(e) or §61.31(d); The PIC time would have to be obtained:



- a. Already hold a helicopter rating at the private pilot level and then when the flight instructor is on board you could log PIC time while manipulating the control as per §61.51(e)(1)(i); or
- b. (See Note below) Be the sole occupant of the aircraft with a current solo endorsement; or
- c. Per §61.31(d). §61.31(d)(2) and (3) states:

(d) Aircraft category, class, and type ratings: Limitations on operating an aircraft as the pilot in command. To serve as the pilot in command of an aircraft, a person must--

\* \* \* \* \*

(2) Be receiving training for the purpose of obtaining an additional pilot certificate and rating that are appropriate to that aircraft, and be under the supervision of an authorized instructor; or

(3) Have received training required by this part that is appropriate to the aircraft category, class, and type rating (if a class or type rating is required) for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

**NOTE:** Although the current §61.51(e)(1) doesn't specifically state a pilot can log PIC time in an aircraft for which that pilot may not be rated, but in the preamble of the final rule on page 16250 of the Federal Register (62 FR 16250; April 4, 1997) the FAA stated "These pilot may properly log pilot in command time: . . . (2) when the pilot is the sole occupant of the aircraft; . . ." A soon to be released correction final rule is coming out that will provide for pilots (who may not be rated in a certain category and class of aircraft) to log PIC time when they are the sole occupant of that aircraft. In the interim comply with this preamble language.

{q&a-146}

**QUESTION 1:** May a current or former military pilot credit PIC or SIC time that meets FAR requirements EXCEPT for the requirement to be a recreational, private or commercially rated pilot? For example: a military pilot flies for 10 years then obtains a commercial rating. Can he credit flight time accomplished prior to receiving his commercial rating towards the PIC/SIC requirements for an ATP rating?

**ANSWER 1:** Yes, a former or current military pilot may use any flight time that can be substantiated by personal logbook or military records and meets FAR requirements. This includes flight time accomplished prior to receiving the commercial rating.

**QUESTION 2:** Can I count military First Pilot time (sole manipulator of the controls) logged while undergoing dual flight instruction for (and graduating from) initial military flight training as PIC? (It seems the FAA accepts this flight time as credible PIC because a Commercial rating can be issued based on graduating from this course and passing the required written exam.)

**ANSWER 2:** It depends. Are you PIC qualified in that aircraft? If yes, then yes. Reference §61.51(e)(1)(i): ". . . Is the sole manipulator of the controls **of an aircraft for which the pilot is rated;** or

**QUESTION 3:** After completing military flight training and obtaining a Commercial ASEL and RH rating can I count First Pilot flight time logged in a C-130 (AMEL) as PIC? (I have less than 10 hours PIC in the aircraft and never completed a Natops check in the aircraft, but flew on a reciprocity basis while assigned to a composite fixed/rotary wing squadron. The military regulations under which the aircraft was operated required more than one pilot.)

**ANSWER 3: NO;** You're not PIC qualified in a C-130.

Reference §61.51(e)(1)(i): As per subparagraph (i) “. . . Is the sole manipulator of the controls **OF AN AIRCRAFT FOR WHICH THE PILOT IS RATED;** or

**QUESTION 4:** Can I count military Second Pilot time as SIC time under the same circumstances?

**ANSWER 4:** It depends. But we would have to say no based on the information you have provided, it appears you haven't completed a military checkout to serve as the SIC in the C-130.

Reference §61.51(f), it states:

(f) Logging second-in-command time. A person may log second-in-command flight time only for that flight time during which that person:

(1) **Is qualified in accordance with the second-in-command requirements of § 61.55 of this part**, and occupies a crewmember station in an aircraft that requires more than one pilot by the aircraft's type certificate; or

(2) **Holds the appropriate category, class**, and instrument rating (if an instrument rating is required for the flight) for the aircraft being flown, and more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is being conducted.

**QUESTION 5:** As a rated commercial ASEL pilot undergoing the flight training required to add an AMEL rating can I log PIC time when I am the sole manipulator of the controls during the dual instruction required to obtain the CFI endorsement required to be eligible for the practical exam? (Two pilots required under 61.123 (c))

**ANSWER 5:** It depends. Yes only if the training is for the aeronautical experience required by §61.129(b)(4) which states:

(4) 10 hours of flight time **performing the duties of pilot in command in a multiengine airplane** with an authorized instructor on the areas of operation listed in § 61.127(b)(2) of this part, which includes at least--

(i) One cross-country flight of not less than 300 nautical miles total distance with landings at a minimum of three points, one of which is a straight-line distance of at least 250 nautical miles from the original departure point. However, if this requirement is being met in Hawaii, the longest segment need only have a straight-line distance of at least 150 nautical miles; and

(ii) 5 hours in night VFR conditions with 10 takeoffs and 10 landings (with each landing involving a flight with a traffic pattern) at an airport with an operating control tower.

Otherwise the answer is NO since §61.51(e)(i) applies which states “. . . Is the sole manipulator of the controls **of an aircraft for which the pilot is rated;** or

**QUESTION 6:** Can the flight time as sole manipulator of the controls during the AMEL practical exam be counted as PIC time? (Two pilots required.)

**ANSWER 6:** Reference §61.47(b): YES, provided you are the pilot-in-command and nobody else is claiming to be the PIC or has agreed to be PIC during the practical test as allowed under §61.47.  
{q&a-122}

**QUESTION:** If you are acting as second-in command of an aircraft that requires two pilots\, and are the sole manipulator of the controls\, can you log PIC for that portion of the flight?

**ANSWER:** Reference §61.51(e)(1)(i) which states, in pertinent part:  
(e) Logging pilot-in-command flight time.

(1) A recreational, private, or commercial pilot may log pilot-in-command time only for that flight time during which that person--

(i) Is the sole manipulator of the controls of an aircraft for which the pilot is rated; or

The answer is **yes** the person may log it as PIC time, provided that person “Is the sole manipulator of the controls **of an aircraft for which the pilot is rated;**”  
{q&a-120}

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**QUESTION:** What about a simulator instructor that was instructing from the console of a level D 747 simulator at an approved 142 center and a part 61 CFII that had an approved PC and was giving his friend instruction at home in the kitchen. Under 61.1(b)(12)(iii) can they both log pilot time?

**ANSWER:** Reference §61.1(b)(12)(iii), it states -

(12) Pilot time means that time in which a person--

(i) Serves as a required pilot flight crewmember;

(ii) Receives training from an authorized instructor in an aircraft, flight simulator, or flight training device; or

(iii) Gives training as an authorized instructor in an aircraft, flight simulator, or flight training device.

**YES**, as per §61.1(b)(12)(iii), that time an authorized instructor gives training in an aircraft, flight simulator, or flight training device may be credited as pilot time. **Note, “pilot time” and “flight time” are NOT synonymous.**  
{Q&A-108}

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**QUESTION:** If a commercial pilot with single-engine land rating was to add a multiengine class rating, he or she would do so under FAR 61.63(c). FAR 61.31(d) prohibits a person from "serving" as the PIC of an aircraft unless that person...

1. Holds the appropriate category, class, and type rating ...for the aircraft to be flown, or
2. [Is] receiving training for the purposes of obtaining an additional pilot certificate and rating that are appropriate to that aircraft, and be under the supervision of an authorized instructor, or
3. Have received training required by this part that is appropriate to the aircraft category, class, and type rating...for the aircraft to be flown, and have received the required endorsements from an instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

The implication is that a commercial pilot with a single-engine land rating, meeting the requirements of FAR 61.31(d)(2) could "serve" as PIC of a multiengine airplane while under the supervision of a flight instructor. Could that person log this time as PIC under FAR 61.51(e)(4) even though they are not solo and have no current solo flight endorsement for the aircraft? Under paragraph (3) of FAR 61.31(d), could you log PIC time in a multiengine airplane under FAR 61.51(e)(4) while flying solo?

If you can log PIC while flying under the supervision of a authorized instructor, is there anything that would prohibit going back in your logbook and recording dual instruction in a multiengine airplane as PIC, similar to what you said could be done in the case of student pilots previously logging solo time?

**ANSWER:** Reference §61.51(e): Let's not mix "to serve as pilot in command" vs. logging PIC time. §61.51(e) is the rule that address LOGGING PIC time. However, §61.129(b)(4) permits an applicant for add-on multiengine airplane rating at the commercial pilot level to credit that time as PIC time, per §61.51(e)(1)(ii). However, the "student" must actually be performing the duties of pilot-in-command and not receiving other training.

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{q&a-110}

**QUESTION:** In the December 1997 edition of "AOPA PILOT," specifically page 22, "AOPA ACCESS," the question was asked: "If I am flying as a safety pilot, can I log that time as pilot in command?" AOPA's answer is: "Yes. There had been talk during the rewrite process of changing this to specify only second-in-command time, but the final rule left logable safety pilot PIC time intact. Requirements remain being rated in category and class. You are allowed to log safety pilot PIC time because your eyes are required for aircraft safety and therefore you become a required crew member. The pilot under the hood can also log PIC time as 'sole' manipulator of the controls."

§61.51(f)(2) seems pretty clear about safety pilots logging SIC rather than PIC time. What does AOPA know that we don't???

**ANSWER:** Yes, the time can be logged as PIC. Reference §61.51(e)(1)(ii): The safety pilot, who meets the qualifications set forth in §91.109(b) may log it as PIC time because §61.51(e)(1)(ii) states, in pertinent part, ". . . the regulations under which the flight is conducted. Note, we say "may" but he "may" prefer to log it as SIC time. Your understanding is probably based on the preamble discussion on page 16250, middle column, of the Federal Register (62 FR 16250; April 4, 1997). We would highly recommend that you also read the preamble discussion on page 16250, first column, of the Federal Register (62 FR 16250; April 4, 1997).

Reference §61.51(e)(1)(i): The other pilot manipulating the controls, and who meets the qualifications set forth in §91.109(a)(2) and (b)(3)(ii) may log it as PIC time because §61.51(e)(1)(i) states, in pertinent part, "Is the sole manipulator of the controls of an aircraft for which the pilot is rated;"  
{q&a-95}

**QUESTION:** Is it true that a qualified pilot can log pilot-in-command time for all flight time during which he acts as a required safety pilot per 14 CFR §91.109?

**ANSWER:** Yes, the safety pilot can log the time as PIC time in accordance with §61.51(e)(ii) which states ". . . regulations under which the flight is conducted."  
{q&a-88}

**QUESTION** The question comes from the helicopter community applicants for the private pilot rating. Does the above statement now permit a person who gets only a solo flight endorsement (but doesn't exercise this due to insurance or other financial constraints) the ability to log time as PIC that time he spends with his Instructor (dual received time) and is the manipulator of the controls? And if so, is this time attributable to the ten hours solo requirement (61.109(a)(b)&(e)?

I guess the bottom dollar question is.....can a student pilot qualify all of the solo pilot requirements for the aeronautical experience requirements of 61.109 flying with his instructor seated next to him?

**ANSWER** No, the student cannot log PIC time with his instructor on board. §61.51(e)(4) states:

(4) A student pilot may log pilot-in-command time when the student pilot —  
(i) Is the sole occupant of the aircraft;  
(ii) Has a current solo flight endorsement as required under § 61.87 of this part; and  
(iii) Is undergoing training for a pilot certificate or rating, is acting as pilot in command of an airship requiring more than one flight crewmember, or is logging pilot-in-command flight time to obtain the pilot-in-command flight experience requirements for a pilot certificate or aircraft rating.  
{q&a-23}

**QUESTION 5:** What is the status of student solo time logged before 8/4/97? Now that students can log PIC (whereas they couldn't before), can they count the solo time they logged as PIC before 8/4/97 toward the PIC time requirements for higher ratings applied for after 8/4/97? In other words, is the experience they gained before 8/4/97 as valuable as that gained after 8/4/97?

**ANSWER 5:** [§61.51(e)(4)] The new rule applies. Solo time can be logged as PIC time.  
{q&a-8}

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**QUESTION 1:** Can solo flight time, under the old 61/141, logged by the Student Pilot now be considered PIC flight time?

**ANSWER 1:** Yes; All time logged as solo time prior to August 4, 1997 can now be also logged as PIC time. In fact, I have already gone into my logbook where I had logged solo time in 1968 and added the time into the PIC column of my logbook. It can be logged as both solo time and PIC time.  
{q&a-74}

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**QUESTION** We have a local operator that makes his living giving flight instruction to foreign and military pilots. He submits the following, which I include verbatim:

[11.] "I...have a somewhat unique inquiry from an individual who holds a commercial pilot certificate issued by the former Yugoslav Republic of Macedonia. He received his training at the Yugoslav Airlines Academy, and he never received a private pilot certificate. The only airman certificates he ever held were a student pilot certificate and, upon completion of his training, [a] commercial with instrument rating. This individual would like to obtain an unrestricted FAA commercial certificate. Under the 'old' FAR 61 he clearly would not meet the 100-hour PIC requirement, since he never held a private pilot certificate. Under the 'new' FAR 61 his solo hours (he has 103 hours of solo time) would meet that requirement. Depending upon the response to [Question 5, above], what do I tell him?"

**ANSWER 11:** As stated in Q5 above, the new Part 61 applies. [§61.51(e)(4)] The new rule applies. Solo time can be logged as PIC time.  
{q&a-8}

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**QUESTION:** If two multiengine pilots, neither of which have an ATP or an MEI, flew together on a 3.0 hour one way trip, and pilot #1 flew the first half of the trip and pilot #2 flew the second half, is it legal for both pilots to log 3.0 hours of total ME time and each log 1.5 hours of PIC time?

**ANSWER:** No, but each may log 1.5 hours of PIC time for that time that pilot was the sole manipulator of the controls. §61.51(e)(1) is the governing rule that applies to this situation and it states:

(e) Logging pilot-in-command flight time.

(1) A recreational, private, or commercial pilot may log pilot-in-command time only for that flight time during which that person is —

- (i) The sole manipulator of the controls of an aircraft for which the pilot is rated; or
- (ii) Except for a recreational pilot, when acting as pilot in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulations under which the flight is conducted.

Furthermore, even if one or both had an ATP certificate, it still wouldn't make any difference to my answer because if one or both had an ATP certificate with multiengine airplane rating, §61.51(e)2) states:

“(2) An airline transport pilot may log as pilot-in-command time all of the flight time while **acting as pilot-in-command of an operation requiring an airline transport pilot certificate.**”

{q&a-31}

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**QUESTION** Under new Part 61, to add an additional aircraft category rating we need to meet the requirements of FAR 61.63. That regulation requires that we possess "...the aeronautical experience...that applies to the pilot certificate for the aircraft category..." Using the example of a Commercial Rotorcraft pilot adding an airplane category rating, the applicant would have to meet the requirements of FAR 61.129(a). Among those requirements is 50 hours of PIC time [61.129(a)(2)(i)].

The Question: How does a person with a commercial rotorcraft log PIC time in an airplane? FAR 61.51 (e)(1)(i) only allows you to log PIC time if you are the "...sole manipulator of the controls of an aircraft for which [you are] rated..." Paragraph (4) allows a student pilot to log PIC, but in this example we are dealing with a rated pilot, not a student pilot. I guess you could claim that person is a student, but it's not clear from the regulation that's what you expect.

**ANSWER** You have raised an issue that is going in our next correction document that is scheduled for publication in December.

On pages 16249 (bottom of 3rd column) and 16250 (top of 1st column) in the April 4, 1997 version of the Federal Register, the FAA stated, in pertinent part, "These pilot may properly log pilot-in-command time: . . . (2) when the pilot is the sole occupant of the aircraft; or . . ."

Unfortunately, we failed to incorporate that statement in §61.51(e). Therefore, in the interim [until we get that statement in §61.51(e)] Permit applicants to log PIC time ". . . when the pilot is the sole occupant of the aircraft..." because those instructions are in the preamble of the final rule document. Yes, a person who is the sole occupant of the aircraft may log the time as PIC time, and yes that includes the PIC time in §61.129(a)(2)(i).

{q&a-57}

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**QUESTION** A CFII recently asked if the solo cross country time logged while an individual was a student pilot can be counted toward the 50 hour requirement for the instrument rating. The recent change to Part 61.65 no longer addresses student pilot time.

**ANSWER** Review §61.51(e)(4)(i). Yes, a student pilot may log PIC time for that time he or she is solo. And yes, even that solo flight time performed prior to August 4, 1997 can now be

credited as PIC time. For example, ten years ago a student pilot logged solo flight time for a flight as the sole occupant. On August 4, 1997, that same person may go back into his or her logbook and credit the time as PIC time also.

{q&a-26}

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And even though you didn't ask this question, we are providing this answer anyway. My most frequently asked question is now that student pilots may log PIC time under the new §61.51(e)(4), can former student pilots who are now rated pilots go back and update their logbooks by converting the solo time they earned while student pilots to PIC time. The answer is yes.

{q&a-62}

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**QUESTION** I have been getting numerous questions regarding the following scenario since Aug 4. Can you set me on the right track. Here is the scenario: An Applicant holds Private Pilot Airplane Single Engine Land and Instrument Rating.. He intends on obtaining a Commercial Pilot Certificate Multi Engine Land.

61.129(b)(4) states he must have 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor on the areas of operation listed in 61.127(b)(2) of this part.. So, he must get pilot in command time but he isn't rated in the multi engine airplane, and it isn't instruction but an instructor is there. What and how do these guys log this situation?

**ANSWER** Review §61.51(e)(1)(ii) which states: " . . . or the regulations under which the flight is conducted." Therefore, §61.129(b)(4) is a regulation and it requires a crew of two (i.e., ". . . performing the duties of pilot in command in a multiengine airplane with an authorized instructor . . . ).

{q&a-3}

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**QUESTION** 8. What is the status of instrument flight time logged in a simulator i/a/w 61.51(g)(4) when calculating total flight time for other purposes? Is it really "flight time" (ref. FAR 1), or something distinctly different?

**ANSWER** 8: [§61.51(g)(4) It may be logged as instrument training. See §61.1(b)(10) which states "instrument training means that time in which instrument training is received from an authorized instructor under actual or simulated instrument conditions."

{q&a-8}

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**QUESTION** 2: We have an example of logging PIC in our presentation that you and I previously discussed on the phone a week ago. We've been challenged on our interpretation and I want to reconfirm it with you. The example is:

Two private pilots... Pilot A is manipulating the controls but has not made 3 takeoffs and landing within the 90 days.

Pilot B is the PIC for the purposes of Part 1.

Question: Which pilot logs PIC?



**ANSWER 2:** Pilot A may log PIC time in accordance with 61.51(e)(1)(i). Pilot B would have to agree to be the PIC in accordance with Part 1 because Pilot A is not current. However, Pilot B may not log the time as PIC time because 61.51 doesn't provide for it.

{q&a-10}

## 61.53

**QUESTION 1:** Ref. §§61.23 and 61.53; In the old §§61.83(c), 61.103(c), and 61.123(c), it required applicants for balloon or glider ratings “. . . to certify that he has no known medical deficiency. . .” on the box W of the FAA Form 8710-1 application. Those provisions were removed from the current §§61.83(c), 61.103(c), and 61.123(c). Does the requirement, “. . . to certify that he has no known medical deficiency. . .” still exist for applicants of balloon or glider ratings?

**ANSWER 1:** Ref. §61.53; No, the requirement no longer exists. Section 61.53(b), in effect, deletes the need for anybody to make this statement on their application. In the rewrite of Part 61, we eliminated the medical certificate from the eligibility requirements (i.e., §§61.83, 61.103, 61.123, §61.153, etc.) and located all medical certification in §61.23. I am working on making a new application and this box will be deleted. In the interim, the rule applies and as you correctly noticed we deleted the requirement from the rule.

{q&a-136}

## 61.55

**QUESTION:** A reading, please. 61.55(a)(1) says 'current' private pilot cert. What exactly does this mean? For instance, we have a pilot who has a current SIC check to fly right seat in a LRJET, but who doesn't have a current BFR, and who never gets one. Would the SIC check count for the 'current' in the reg?

**ANSWER:** Reference §61.55(a)(1); It states "At least a current private pilot certificate . . ."

The word "current" means the person meets the recency of experience requirements of Part 61 (i.e., BFR, 3 T/O's and landing, and instrument, if appropriate) and the person's medical certificate has not expired.

In the near future, we will be issuing an update to Part 61, because we have gone through all of Part 61 and placed the words "valid," "current," and "valid and current" where appropriate. In that upcoming NPRM, we will define what the words "valid," "current," and "valid and current" means.

The word "current" will be defined as having met all of the appropriate recency of experience of Part 61 and the person's medical certificate has not expired.

The word "valid" will be defined as the person's pilot certificate has not been surrendered, suspended, revoked, or expired.

The word "current and valid" will be defined as:

1. The person meets all of the appropriate recency of experience of Part 61 and the person's medical certificate has not expired; and.
  2. The person's pilot certificate has not been surrendered, suspended, revoked, or expired.
- {q&a-92}
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## 61.56

**QUESTION:** In §61.56(b) it states a glider pilot may substitute a minimum of three instructional flights in a glider, **each of which includes a flight to traffic pattern altitude.** . .” Could performing a rope break at 200’ AGL qualify as “. . . a flight to traffic pattern altitude . . .?”

Answer: **YES;** Reference §61.56(b) states:

§ 61.56 Flight review.

\* \* \* \* \*

(b) Glider pilots may substitute a minimum of three instructional flights in a glider, **each of which includes a flight to traffic pattern altitude**, in lieu of the 1 hour of flight training required in paragraph (a) of this section.

\* \* \* \* \*

We are silent in the rule on the height of traffic pattern altitude. We stated in the preamble of the final rule (62 FR 16252; April 4, 1997):

“In response to the comment concerning the performance of 360 degree turns, the FAA has modified the language in paragraph (b) to permit three instructional flights in a glider, each of which requires flight to traffic pattern altitude. This modification should provide instructor with greater flexibility during the conduct of a flight review for glider pilots. The FAA expects that each instructional flight to traffic pattern altitude will consist of a launch, climb, level off, turn, descent, and landing to ensure that the pilot can demonstrate proficiency in each phase of flight.”

So in further answer to this question, the rule doesn’t specify the height of traffic pattern altitude. So as long as during this rope break at 200’ AGL, the pilot demonstrates “. . . launch, climb, level off, turn, descent, and landing to ensure that the pilot can demonstrate proficiency in each phase of flight,” then yes the maneuver meets the rule requirements of §61.56(b).

{q&a-126}

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**QUESTION:** Can BFR be accomplished in a single place aircraft (i.e., ag airplane)?

**ANSWER:** No. §61.56(a) requires as a minimum 1 hour of flight training and 1 hour of ground training on a BFR. The definition of flight training in the new §61.1(b)(6) states:

“(6) Flight training means that training, other than ground training, received from an authorized instructor in flight in an aircraft.”

and

the new §61.195(g) states:

(g) Position in aircraft and required pilot stations for providing flight training.

(1) A flight instructor must perform all training from in an aircraft that complies with the requirements of § 91.109 of this chapter.

(2) A flight instructor who provides flight training for a pilot certificate or rating issued under this part must provide that flight training in an aircraft that meets the following requirements —

(i) The aircraft must have at least two pilot stations and be of the same category, class, and type, if appropriate, that applies to the pilot certificate or rating sought.

(ii) For single-place aircraft, the pre-solo flight training must have been provided in an aircraft that has two pilot stations and is of the same category, class, and type, if appropriate.

Thus, the BFR must be performed in at least a 2-place aircraft.

{q&a-28}

## 61.57

**QUESTION 2:** In the section on paragraph 61.57 of the “Frequently Asked Questions of parts 61& 141” the question is asked whether an IGI can conduct the proficiency check required in an approved ground training device. The answer given is yes. However, I have a letter AFS 840 signed by Michael Sacrey stating that "Only a certificated instrument flight instructor may conduct the instrument competency check, regardless of whether given in a ground training device, an aircraft simulator, or in an aircraft." Which interpretation is the correct one?

**ANSWER 2:** Ref. §61.215(c)(2). Yes, an IGI can perform training in a flight simulator or flight training device "... for an instrument proficiency check."

It has been brought to my attention that my earlier answer on Question 2 may have confused training vs. checking. **Only those persons identified in §61.57(d)(2) can GIVE the instrument proficiency check.**

{q&a-104}

**QUESTION:** Would a pilot using an approved flight simulator or flight training device to meet the instrument currency requirements of paragraph 61.57(c)(1) or (2) need to have an instructor present?

**ANSWER:** Reference §61.1(b)(10); **Yes**, if using a flight simulator (FS) or a flight training device (FTD), it **MUST** be monitored by a:

1. Certificated Flight Instructor-Instrument (CFII) who is appropriately rated and qualified;
2. Instrument Ground Instructor (IGI);
3. Advanced Ground Instructor (AGI);
4. Part 142 training center instructor who is appropriately rated and qualified;
5. Persons cited in §61.57(d)(2) and who are appropriately rated and qualified;
6. An ATP in accordance with §61.167 and who is appropriately rated and qualified; and
7. An authorized instructor, as defined in §61.1(b)(2), and who is appropriately rated and qualified.

And for those of you who will argue that currency is not the same as training, the answer is still yes. We here in AFS-840 write the rules and we also write the policy and we say that currency is training. So, **the answer is yes**. To use a FS or FTD you have to have an authorized instructor there to monitor the training.

{q&a-103}

**QUESTION** 1: Reference §61.57(d): Request guidance on the meaning/intent of the wording "... a representative number of tasks. . ."

**ANSWER** 1: First of all, neither the regulation nor the preamble of the regulation covers what you're asking. Historically, the wording "... a representative number of tasks . . ." requires an objective decision to be made by the CFII/examiner and is also dependent on the applicant's ability. Otherwise, a pilot who has not flown instruments in over a year or more and during the conduct of the instrument proficiency check it is obvious the pilot is extremely weak then the check may need to be more extensive. However, if the pilot is reasonably proficient, in accordance with the standards set forth in the Instrument Rating PTS, then the check may not need to be that extensive.

The wording "... a representative number of tasks . . ." means/intent to cover a SUFFICIENT number of tasks so as to determine the pilot is instrument proficient, in accordance with the standards set forth in the Instrument Rating PTS. Otherwise, the CFII/examiner needs to be able to say at the conclusion of the check, YES THIS PILOT CAN OPERATE SAFELY IN THE NATIONAL AIRSPACE SYSTEM.

When I have discussed this issue in the past and in giving guidance to CFII/examiners, I have always directed them to page ix of the Instrument Rating PTS (FAA-S-8081-4B) and specifically to the paragraphs noted as "Satisfactory Performance" and "Unsatisfactory Performance." The instructor who conducts the instrument proficiency check must make an objective decision on the

content of the instrument proficiency check and then make a decision on whether the pilot demonstrated proficiency to the standards set forth in the Instrument Rating PTS.

Now having said all this, it really comes down to common sense is always the best answer in explaining what "...a representative number of tasks..." means.

**QUESTION 2:** Can an PC ATD device be used for the instrument proficiency check?

**ANSWER 2:** Reference §61.57(d)(1): No.

{q&a-94}

**QUESTION 2:** What are the instrument recency requirements and are there hour requirements?

**ANSWER :** The hour requirements are only for the glider pilots and nothing has changed in the new rule for glider pilots in this new rule. For the remainder of the pilots, the instrument recency of experience are covered in § 61.57(c) which states:

(c) Recent instrument experience. Except as provided in paragraph (e) of this section, no person may act as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR, unless within the preceding 6 calendar months, that person has:

(1) For the purpose of obtaining instrument experience in an aircraft (other than a glider), performed and logged under actual or simulated instrument conditions, either in flight appropriate to the appropriate category of aircraft for the instrument privileges sought or in an approved flight simulator or approved flight training device that is representative of the aircraft category for the instrument privileges sought —

(i) At least six instrument approaches;

(ii) Holding procedures; and

(iii) Intercepting and tracking courses through the use of navigation systems.

(2) For the purpose of obtaining instrument experience in a glider, performed and logged under actual or simulated instrument conditions —

(i) At least 3 hours of instrument time in flight, of which 1 1/2 hours may be acquired in an airplane or a glider if no passengers are to be carried; or

(ii) 3 hours of instrument time in flight in a glider if a passenger is to be carried.

{q&a-1}

**QUESTION :** With the new instrument recency of experience requirements contained in the new §61.57(e) becoming effective on August 4, 1997, is a pilot who is current under the old §61.57(e) still current after August 4, 1997, or does he have to get re-current with the new §61.57(e) requirements to be legally current?

**ANSWER :** Pilots who became current prior to August 4, 1997 under the existing §61.57(e) will remain current for the time period permitted under the existing §61.57(e). When the pilot's instrument currency expires, the pilot will then comply with the new §61.57(e) requirements.

{q&a-56}

**QUESTION 2:** A person who is instrument current prior to August 4, 1997 under the old §61.57(e) retains that instrument currency until their currency expires. Is this true or will everybody have to meet the new instrument currency requirements [i.e., §61.57(c)]?

**ANSWER 2:** The person's instrument currency under the old §61.57(e) remains valid until it expires. For example, if the person completes his instrument currency under the old §61.57(e) on August 3, 1997, it remains valid for 6 calendar months (i.e., through 28 February 1998).  
{q&a-40}

**QUESTION** In your cc mail message of September 24, 1997 you asked whether an Instrument Ground Instructor may give training in an approved flight training device or approved flight simulator for the instrument experience required by §61.57(c) and can they also conduct the instrument proficiency check required by §61.57(d) in an approved flight simulator or approved flight training device.

**ANSWER** As long as the flight training devices (FTD) and flight simulators (FS) are "approved" for such training and the proficiency check, then the answer is yes on both accounts. My answer is based on the policy interpretation of §61.57(d)(2)(iv), §61.215((c)(1) and (2), and the definition of ground training in §61.1(b)(8). Yes, a IGI may give the training in FS or FTD, but cannot conduct the instrument proficiency check.  
{q&a-68}

Subject: Ref. recent instrument experience of §61.57(c) It has been brought to my attention that an inspector is telling pilots that as of 4 August 1997, all instrument rated pilot had to become recurrent again under the new instrument recency provisions of §61.57(c). It was reported to me that an example was given that a pilot who became current on August 3, 1997 would have to become current again on August 4, 1997. That interpretation is not correct. When that information was relayed to me, I asked the individual would it make sense since we also have new instrument rating certification requirements to require all instrument rated pilots to have their instrument ratings suspended until they meet the new instrument rating certification requirements. No, it would not make any sense! Nor has the FAA ever issued rules that required that! If a person who was instrument current before August 4, 1997 will remain current for ". . . 6 calendar months . . ." As an example, if a pilot became current on April 15, 1997, his currency runs through October 31, 1997. On November 1, 1997, he must become recurrent again.  
{q&a-41}

## 61.60

**QUESTION 5:** Why is the wording in §61.35(a)(2)(iv) worded like:  
"(iv) Actual residential address, if different from the applicant's mailing address,"

but §61.29(d)(2) is worded like:

"(2) The permanent mailing address (including zip code), or if the permanent mailing address includes a post office box number, then the person's current residential address;"

and §61.60 is worded like:

§ 61.60 Change of address.

The holder of a pilot, flight instructor, or ground instructor certificate who has made a change in permanent mailing address may not, after 30 days from that date, exercise the privileges of the certificate unless the holder has notified in writing the FAA, Airman Certification Branch, P.O. Box 25082, Oklahoma City, OK 73125, of the new permanent mailing address, or if the permanent mailing address includes a post office box number, then the holder's current residential address.

The reason the questions was asked is because some flight instructors are police officers, DEA Agents, or FBI who do not give out there resident address.

## ANSWER

We will reword §61.35(a)(2)(iv) to read as follows:

(iv) The permanent mailing address (including zip code), or if the permanent mailing address includes a post office box number, then the person's current residential address;  
{q&a-33}

## 61.63

**QUESTION 1:** Ref. §61.63(b)(1) and §61.129(c)(2)(i); Situation is an applicant holds a commercial pilot certificate with an airplane single land rating. The applicant is now seeking to add a helicopter rating onto his commercial pilot certificate. Does the applicant have to show 35 hours of PIC time in helicopters as per §61.129(c)(2)(i)?

**ANSWER 1:** Ref. §61.129(c)(2)(i); Yes, the applicant must show 35 hours of PIC time in helicopters to be eligible for a helicopter rating at the commercial pilot level.

§61.129(c)(2)(i) states:

(c) For a helicopter rating. Except as provided in paragraph (i) of this section, a person who applies for a commercial pilot certificate with a rotorcraft category and helicopter class rating must log at least 150 hours of flight time as a pilot that consists of at least:

\* \* \* \* \*

(2) 100 hours of pilot-in-command flight time, which includes at least--

(i) 35 hours in helicopters; and

\* \* \* \* \*

§61.63(b)(1) states:

(b) Additional category rating. An applicant who holds a pilot certificate and applies to add a category rating to that pilot certificate:

- (1) Must have received the required training and **possess the aeronautical experience prescribed by this part that applies to the pilot certificate for the aircraft category and, if applicable, class rating sought;**

{q&a-146}

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**QUESTION 1:** The situation is our organization has a DC-3 that is instrument flight capable. However, we have customers who want to use our airplane to get a DC-3 type rating, but they only want a VFR limited type rating. Is this possible?

**ANSWER 1:** Reference §61.63(h). No, if the aircraft is “. . . capable of the instrument maneuvers and procedures required by the appropriate requirements contained in § 61.157 of this part . . .” then the applicant must be tested.

Now, if the aircraft is NOT capable of performing the instrument maneuvers and procedures required by the appropriate requirements contained in § 61.157 of this part then the applicant may obtain a type rating limited to VFR.

Per §61.63(h) it states, in pertinent part,

“(h) Aircraft not capable of instrument maneuvers and procedures. An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures required by the appropriate requirements contained in § 61.157 of this part for the practical test may--

- (1) Obtain a type rating limited to "VFR only"; and”

**QUESTION 2:** Similar situation but slightly different. The situation is our organization has a DC-3 that is NOT instrument capable because the airplane's slip-skid indicator and gyroscopic pitch and bank indicator (artificial horizon) is inoperative. But the aircraft's type certificate does permit instrument flight. May the airplane be used to get a DC-3 type rating limited to VFR?

**ANSWER 2:** Reference §61.63(h). Yes; In this situation, the applicant could take the practical test and receive a DC-3 type rating with a VFR limitation.

{q&a-105}

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**QUESTION:** The situation is an applicant holds a Commercial Pilot Certificate with an airplane single engine rating. The applicant is now applying for a rotorcraft-helicopter rating, but only at the private pilot certificate level. Does the applicant have to take the Private Pilot-Rotorcraft Helicopter knowledge test since he is only going for a helicopter rating at the private pilot certificate level?

**ANSWER** No; But we agree we should have worded §61.63(b)(5) better. We should have put the words “. . .or lower” at the end of §61.63(b)(5).

Per §61.63(b)(5), it states: “Need not take an additional knowledge test, provided the applicant holds an airplane, rotorcraft, powered-lift, or airship rating at that pilot certificate level.”

{q&a-99}

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**QUESTION** 10: §61.63 does not require an applicant for an additional rating to be able to "read, speak, write, and understand the English language." Which means a person who cannot read, speak, write, and understand the English language could obtain additional ratings on their existing certificate.

**ANSWER** 10: We agree that we should have put that requirement in the §61.63. However, common sense would say that a person who cannot continue to read, speak, write, and understand the English language does not meet the original certification requirements for their certificate and thus would no longer qualify for the pilot certificate.

{q&a-30}

**QUESTION:** Does an applicant for an added class rating have to meet the cross-country requirements etc., in 61.129(b)?

**ANSWER** Review §61.63(c)(4) which states:

(4) Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought unless the person holds a lighter-than-air category rating with a balloon class rating and is seeking an airship class rating; and

For example, let's take a holder of a commercial pilot certificate with an airplane single engine class rating and that applicant seeks to add an airplane multiengine class rating. Therefore, "simply put" the student is given training on the areas of operation of §61.127(b)(2) and given an endorsement and then goes before an examiner. So, "simply put" and as the rule states, the applicant "Need not meet the **specified training time** requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought . . ."

So, for example the applicant does not even have to look at §61.129 nor does the examiner have to look at §61.129 nor does the FSDO even have to look at §61.129 nor does AFS-700 have to look at §61.129.

{q&a-49}

**QUESTION** 2. RE: 61.63(c)(4) -- Does "need not meet the specified training time requirements" mean the only that portion of the experience requirements involving dual instruction? Must an applicant for an additional class rating also meet the provisions of 61.109(a)(5) or (b)(5), or 61.129(a)(4) or (b)(4), regardless? For instance, if I hold a COM'L AMEL only (many military pilots do) and apply for a COM'L ASEL, must I comply with the single engine solo provisions of 61.129(a)(4)? Must I take a solo 300 NM X/C in a single?

**ANSWER** 2: [§61.63(c)(4) says "Need not meet the specified training time requirements prescribed by this part that apply to the pilot certificate for the aircraft class rating sought; and" Otherwise, the instructor trains the applicant to pass the practical test. So no the applicant does not have meet the provisions of §§61.109(a)(5), or (b)(5), or 61.129(a)(4) or (b)(4), etc., etc., etc

{q&a-8}

**QUESTION** They operate BV-107s and BV-234s in external load operations only. Jim is also a pilot examiner.

He was questioning 61.63(d)(1) that requires an applicant hold or concurrently obtain an instrument rating that is appropriate to the aircraft category, class or type rating sought; and (5) that a 'VFR only' restriction be applied only to those aircraft incapable of IFR flight, due to their type certificate restrictions.

Their applicants already hold commercial-rotorcraft and instrument-rotorcraft ratings.

He told me that his company could not afford to equip these helicopters for IFR flight @ \$200K each, nor to train their pilots for IFR flight @ \$100K each. I told him that it looked like that the type rating applied to the aircraft itself, not to the specific operation it was being used in.

He asked why 61.64 was deleted, which gave them more leeway. Looked in the preamble, but couldn't find anything on this.

He said they had pilots currently in training, and needed to know answers. I told him that a quick answer was probably not going to be forthcoming and gave him some options, namely; to contact HAI to see if this subject has surfaced there; applying for an exemption to the reg. on their own or through HAI; petitioning for a reg. change. I promised him I would send you a note with his questions and concerns. He may contact you, and I wouldn't be surprised if he went higher.

I don't know if there are other BV-107s/BV-234s in the country that are equipped for IFR flight, and if so, if the owners/operators would allow training in them for Columbia. I'm sure that Columbia would not accept the idea of outside training, due to the cost involved and the way they operate their helicopters, strictly for external-load operations. Therefore, Columbia is very task-specific oriented and doesn't seem to understand the larger scope of regulatory language.

I'd appreciate any help you can give me on this. Of course, they're looking for relief, and, at first glance, it looks like to me that the only way they'll be able to do this would be by the exemption process.

One more thing, I personally have a question regarding the language in 61.63(d)(1). What was meant by 'an instrument rating that is appropriate to the aircraft category, class, or type rating sought?' Because type rating checks are now given to ATP practical test standards? I guess what's confusing me is that, according to 61.65, there is no breakdown in instrument ratings beyond categories.

**ANSWER** In answer to your question, Columbia Helicopter's BV-107 and BV-234 are VFR only aircraft. They only need to accomplish a VFR only type rating practical test. The new §61.63(d)(5) would apply in this situation. And if the applicant is seeking a BV-107 or BV-234 type rating at the ATP level then §61.157(b)(3) would apply. They only need to accomplish a VFR only type rating practical test in either case.

A review of the old §61.64 [specifically old §61.64(d)(2)], we don't see any difference on what it provided vs. what the new §61.63(d) provides. Do you?

Mary, in answer to your questioning the wording of the new §61.63(d)(1), whenever you see the word "appropriate" it is there for a purpose. And in your own statement you stated "there is no breakdown in instrument ratings beyond categories." We agree and the rule agrees, that is why we inserted the word "appropriate" in §61.63(d)(1). So, sometimes an instrument rating that is "appropriate" to the aircraft category is appropriate and sometimes it is not. An sometimes an instrument rating that is "appropriate" to the aircraft class is NOT appropriate and sometimes it is (i.e., an instrument-helicopter rating is an instrument rating associated to the aircraft class).  
{q&a-20}

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**QUESTION 3:** Given an applicant that holds a Commercial - rotorcraft, helicopter with Private - Airplane, SEL. The applicant wishes to obtain Commercial in the ASEL.

Dose 61.63(b) apply? Then for 61.63(b)(1) we go to 61.129(a) for such things as: 50 hours in airplanes, 10 hours x/c in airplanes, 5 hours instrument training in airplanes, etc?

**ANSWER 3: YES, 61.63(b) does apply, and YES the category requirements of 61.129 apply.**  
{q&a-60}

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**QUESTION 11:** Conceding the lack of any statement of requirements in 61.63 regarding RSR&U English requirements, suppose a foreign airman who has acquired a standard US certificate (per part 61) with no English restriction comes back several years later from his home country to get an additional class added to his standard certificate, but has obviously lost his English capability. Should the examiner conduct the practical test an issue the additional class as though there was no problem, or what??

**ANSWER 11: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.**  
{q&a-60}

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## 61.65

**QUESTION 1:** Does the long instrument cross country still require the three required approaches to be conducted at three different airports? Or, can they all be done at one airport as long as the specified distance is covered and three different kinds of approaches are made with the use of navigation systems?

**ANSWER 1:** Reference §61.65(d)(2)(iii)(B) and (C), it states:

(iii) For an instrument--airplane rating, instrument training on cross-country flight procedures specific to airplanes that includes at least one cross-country flight in an airplane that is performed under IFR, and consists of--

- (A) A distance of at least 250 nautical miles along airways or ATC-directed routing;
- (B) An instrument approach at each airport; and
- (C) Three different kinds of approaches with the use of navigation systems;

**NO**, the approaches do not have to be done at **THREE** different airports. “However, **AT LEAST TWO** airports must be involved, one of which is a point of landing more than 50 NM from the original point of departure (see q&a-47 under answers for 61.65).” ) Just like it says “. . . A distance of at least 250 nautical miles along airways or ATC-directed routing. . .” You could do one approach and a landing at an airport 125 NM away from the original point of departure and on the return do 2 approaches at the departure airport. Just make sure you do “. . . Three **different kinds of approaches** with the use of navigation systems. . .” and an instrument approach at **EACH** airport.

{q&a-112}

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**QUESTION:** Reference §61.65(d)(2)(i): Does all 15 hours have to be performed in the actual aircraft category or can some of that 15 hours be performed in a flight simulator or flight training device?

**ANSWER:** All of the 15 hours must be accomplished in the actual aircraft category. The portion that may be performed in a flight simulator or flight training device is addressed in §61.65(e). But §61.65(e) only permits use of a flight simulator or flight training device for the “. . . 40 hours . . .” stated in §61.65(d)(2).

{q&a-118}

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**QUESTION 2:** Second question is: can you provide the definitive ruling on how many and which type of approaches can be used during an Instrument Rating Practical Test. What is the source?

**ANSWER 2:** Reference §61.65(a)(8). §61.65(a)(8) refers to the practical test and then you go to the Instrument Rating PTS and it requires two non-precision approaches and one precision approach.

It is my understanding that the Instrument Rating PTS is undergoing revision to clarify this issue.

(NOTE: An expanded discussion of what will appear in the PTS may be found on the first page of the DESIGNEE UPDATE, Vol. 9, No.4, dated October 1997.)

{q&a-97}

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**QUESTION 1:** Do landings have to be made at each airport on the cross country flight required by §61.65(d)(2)(iii) for the instrument rating-airplane aeronautical experience?

**ANSWER 1:** Not at all of the airports, but at least one landing must be made at one of the airports, as required by §61.1(b)(3)(ii) [and specifically subparagraph (B)] which states

(ii) For the purpose of meeting the aeronautical experience requirements (except with a rotorcraft rating) for a private pilot certificate, commercial pilot certificate, or an instrument rating, or for the purpose of exercising recreational pilot privileges (except in a rotorcraft) under §61.101(c), time acquired during a flight-

(A) Conducted in an appropriate aircraft;

(B) That includes **a point of landing that was at least a straight-line distance of more than 50 nautical miles from the original point of departure;**

(C) That involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point.

§61.65(d)(2)(iii) states:

(iii) For an instrument — airplane rating, instrument training on cross-country flight procedures specific to airplanes that includes at least one cross-country flight in an airplane that is performed under IFR, and consists of —

(A) **A distance of at least 250 nautical miles along airways or ATC-directed routing;**

(B) An instrument approach at each airport; and

(C) Three different kinds of approaches with the use of navigation systems;

So in answer to your specific question, as long as the total distance of your suggested cross country was “A distance of at least 250 nautical miles along airways or ATC-directed routing;” as provided for in §61.65(d)(2)(iii)(A), then yes your scenario is correct and it would meet the requirements of the rule.

{Q&A-47}

**QUESTION 6:** In the existing §61.71(a), it states: “. . . However, if he applies for a flight test for an instrument rating he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of §§61.65(e)(1) and 61.123 (except paragraphs (d) and (e) thereof).” And §61.65(e)(1) states: “A total of 125 hours of pilot flight time, of which 50 hours are as pilot in command in cross country flight in a powered aircraft with other than a student pilot certificate. Each cross country flight must have a landing at a point more than 50 nautical miles from the original departure point.” In the new §61.71, the language referring to §§61.65(e)(1) and 61.123 has been dropped. Does that mean if I have a student that graduates from my Part 141 instrument rating course, he no longer (after August 4, 1997) has to meet the “50 hours are as pilot in command in cross country flight in a powered aircraft” of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123?

**ANSWER 6:** A Part 141 graduate will no longer be required to meet the “50 hours are as pilot in command in cross country flight in a powered aircraft” of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123. The deleting of that provision was intentional, because we who drafted the rule believe our Part 141 school give such quality of training that a person who graduates from a Part 141 school provides an equivalent level of safety. And we don’t have to

file a difference with ICAO because our country is the only country that has Part 141 approved schools and we have never filed differences when it relates to Part 141.

{q&a-31}

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**QUESTION 7:** FAR 61.65 (a)(8)(ii) states "\_If an approved flight training device is used for the practical test, the instrument approach procedures conducted in that flight training device are limited to one precision and one non precision approach, provided the flight training device is approved for the procedure performed." The preamble states in part "\_The final rule also limits the procedures which may be performed in an approved flight training device to one precision and one nonprecision approach provided the flight training device is approved\_" I understand this to say that at least one approach must be flown in the airplane. Is this correct?

**ANSWER 7:** You're correct. At least one approach must be flown in the aircraft.

{q&a-74}

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**QUESTION 6:** Definition of "original point of departure".

A. How should the "original point of departure" be managed to meet 61.65(d)(iii)(B) "an instrument approach at each airport" if the home base is an airport that does not have an instrument approach?

B. Is the "original point of departure" subject to change if there is an overnight, extended stay, or the aircraft is left for repair and the pilot returns later to continue the cross-country or bring it home? Does "original point of departure" change with a new day?

**ANSWER 6A:** The distance of the return leg to the original point of departure ("home base") from the last airport where an approach was made shall not be used to meet the 250 NM requirement since an approach cannot be made at the original point of departure airport.

**ANSWER 6B:** The "original point of departure" does not change with a new day or delay.

{q&a-60}

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**QUESTION 17:** A person comes in with a knowledge test report for instrument-airplane. This dual rated person originally intended to take the instrument practical in an airplane, but later decided to take it in helicopter instead. Can the IRA test be used in place of the IRH test?

**ANSWER 17:** NO. These tests are not interchangeable.

{q&a-60}

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## 61.69

**QUESTION:** Does the endorsement requirement in paragraph 61.69(a)(3) apply to a private pilot with airplane-single engine land and glider who is going to act as "tow-pilot"? It

seems this requirement would be met by virtue of having at least a private glider rating. This is evidence of having complied with 61.31 (j)(1)(ii) which appears to cover the endorsement required by 61.69(a)(3).

**ANSWER:** **YES.** The person must have the endorsement. Ref. section 61.69(a)(3) states:

(a) No person may act as pilot in command for towing a glider unless that person:

\* \* \* \* \*

(3) **Has a logbook endorsement from an authorized instructor** who certifies that the person has received ground and flight training in gliders and is proficient in--

(i) The techniques and procedures essential to the safe towing of gliders, including airspeed limitations;

(ii) Emergency procedures;

(iii) Signals used; and

(iv) Maximum angles of bank.

{q&a-138}

## 61.71

**QUESTION 1:** FAR 61.65 (d)(1) requires a person who applies for an instrument rating to have logged at least 50 hour of PIC cross country. FAR 141, Appendix C does not have this requirement. Is this correct?

**ANSWER 1:** Reference §61.71(a): §61.71(a) was revised in the new Part 61 to delete that requirement. Yes, it was intentional.

{q&a-117}

**QUESTION 5:** Reference §61.71(b)(1); Does this Part 121 proficiency check have to be a PIC proficiency check? Does the check have to be given by an FAA Inspector or an FAA DPE?

**ANSWER 5:** As per §61.71(b)(1), “Satisfactorily accomplished an approved training program and the **pilot-in-command proficiency check** for that airplane type, in accordance with the pilot-in-command requirements under subparts N and O of part 121 of this chapter; and”

and

As per §61.157(f), in pertinent part, “. . . Any check must be evaluated by a **designated examiner or FAA Inspector.**”

{q&a-89}

## 61.73

**QUESTION:** A former rated military pilot who never got around to taking the military competency test to receive his commercial certificate and instrument rating is no longer in the military, but has been flying public use aircraft for several years. He now wants to apply for an ATP certificate. He has recency of experience, but not in military service and aircraft. What are the requirements?

**ANSWER:** This pilot, as described, passed up the opportunity to seek a commercial certificate and instrument rating as provided in §61.73 (b)(3)(i) as a rated military pilot on active flying status in an armed force of the United States at any time during the 12 calendar months before the month of application —

Unfortunately, it appears that he also passed up the opportunity to apply for an ATP certificate while he could have qualified as a military pilot or “former” military pilot as allowed in §61.153(d)(2). He is no longer a military pilot who has not been on active flying status (a “former” military pilot) and can not meet the requirement of §61.73(c)(2).

(c) Military pilots not on active flying status during the 12 calendar months before the month of application. A rated military pilot or former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application must:

(1) Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought; and

(2) Present documentation showing that the applicant was, before the beginning of the 12th calendar month before the month of application, a rated military pilot as prescribed by paragraph (b)(3)(i) or paragraph (b)(3)(ii) of this section.

As a result this pilot must meet the requirements of 14 CFR Part 61 as would any other non-military pilot. That is, hold a Commercial pilot certificate and instrument rating to be eligible for an Airline Transport Pilot certificate. If this pilot does not hold a Private pilot certificate, that certificate must also be obtained to be eligible for a Commercial pilot certificate.

It is regretful that inconvenience and additional expense may be involved for this pilot, but the §61.73 avenues of using military experience were available and unused. Note the difference in the situations in #43 & 73 {q&a-43 & 73}. These pilots are still in the military.  
{q&a-133}

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**QUESTION:** Is there possibly a contradiction in the language between FAR 61.73(d)(1) and FAR 61.73 (e)(1); (category vs. category & class verbiage)? Could a military (Navy or Marine Corps) pilot with a current NATOPS PIC check in the FA-18 and T-34C, but a NATOPS instrument proficiency check only in the FA-18, receive an ASEL rating at the commercial level?

**ANSWER:** Issuance of an airplane single engine land rating could only be issued if that military applicant could show compliance with either §61.73(d)(2) or (3) or (e)(2) in that T-43C airplane.

Reference §61.73(d):



(d) Aircraft category, class, and type ratings. A rated military pilot or former rated military pilot who applies for an aircraft category, class, or type rating, if applicable, is issued that rating at the commercial pilot certificate level if the pilot presents documentary evidence that shows satisfactory accomplishment of:

(1) An official U.S. military pilot check and instrument proficiency check in that aircraft category, class, or type, if applicable, as pilot in command during the 12 calendar months before the month of application;

**(2) At least 10 hours of pilot-in-command time in that aircraft category, class, or type, if applicable, during the 12 calendar months before the month of application; or**

**(3) An FAA practical test in that aircraft after--**

(i) Meeting the requirements of paragraphs (b)(1) and (b)(2) of this section; and

(ii) Having received an endorsement from an authorized instructor who certifies that the pilot is proficient to take the required practical test, and that endorsement is made within the 60-day period preceding the date of the practical test.

Reference §61.73(e)(2):

(e) Instrument rating. A rated military pilot or former rated military pilot who applies for an airplane instrument rating, a helicopter instrument rating, or a powered-lift instrument rating to be added to his or her commercial pilot certificate may apply for an instrument rating if the pilot has, within the 12 calendar months preceding the month of application:

(1) Passed an instrument proficiency check by a U.S. Armed Force in the aircraft category for the instrument rating sought; and

**(2) Received authorization from a U.S. Armed Force to conduct IFR flights on Federal airways in that aircraft category and class for the instrument rating sought.**

{q&a-113}

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**QUESTION** 11: §61.73 does not require a military pilot, even one from an ICAO country [i.e., §61.73(b)(3)(ii)] to be able to "read, speak, write, and understand the English language."

**ANSWER** 11: It is too late to change the rule now. However, we don't believe there is an existing problem that would require to change the rule.

{Q&A-30}

**QUESTION** 1: The situation involves a rated military pilot who has not flown in the last 12 months (has had a staff job for the last 18 months) and now is requesting to take the ATP practical test in a Cessna 310. This rated military pilot never got around to taking the military competency test and now wants to apply for an ATP certificate. What are the requirements?

**ANSWER** 1: The rules in Part 61 that address this question are addressed in §61.153(d)(2) and 61.73(c) and (b)(3)(i) or (ii) and they states as follows:

§61.153(d)(2) states:

**(2) Meet the military experience requirements under § 61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating** if the person is a rated military pilot or former rated military pilot of an Armed Force of the United States; or

§61.73(c) states:

(c) Military pilots not on active flying status during the 12 calendar months before the month of application. A rated military pilot or former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application must:

(1) **Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought;** and

(2) Present documentation showing that the applicant was, before the beginning of the 12 calendar month before the month of application, a rated military pilot as prescribed by paragraph (b)(3)(i) or (b)(3)(ii) of this section.

§61.73(b)(3)(i) and (ii) states:

(3) Present documentation showing that the applicant is or was, at any time during the 12 calendar months before the month of application —

(i) A rated military pilot on active flying status in an armed force of the United States; or

(ii) A rated military pilot of an armed force of a foreign contracting State to the Convention on International Civil Aviation, assigned to pilot duties (other than flight training) with an armed force of the United States and holds, at the time of application, a current civil pilot license issued by that contracting State authorizing at least the privileges of the pilot certificate sought.

Otherwise in answer to your specific question, if the applicant “Meets the military experience requirements under § 61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating . . .” needs to meet the aeronautical experience requirements of §61.159, pass the ATP-Airplane knowledge test, and pass the ATP-AMEL practical test.

{Q&A-43}

**QUESTION 2:** Can we still continue to issue the “Limited-to-Center Line Thrust” limitation to military pilots who receive their pilot certificates through the provisions of §61.73 (i.e., military competency test)?

**ANSWER 2:** Yes, we can still continue to issue the “Limited-to-Center Line Thrust” limitation to military pilots who receive their pilot certificates through the provisions of §61.73. But only to military pilots and only through the provisions of §61.73. The reason we are permitted to issue this limitation to military pilots, who receive their pilot certificates through the provisions of §61.73, is because no practical test is involved in the issuance of their pilot certificates. Additionally, by only revising §

{Q&A-46}

**QUESTION 1.** A military pilot on active flying status within the past 12 months, holding a Civilian PRIVATE PILOT AIRPLANE certificate, meets the eligibility requirements to take an ATP flight test. He does not hold instrument rating. He wants to bypass the commercial/instrument certificate and rating and go directly to the ATP knowledge and practical test. He cites 61.153d(2) which states, "Meet the military experience requirements under 61.73 of this part to "QUALIFY" for a commercial pilot certificate and an instrument rating ....."

**ANSWER 1:** Yes he can bypass the commercial and instrument and go directly to the ATP. Read §61.153(d)(2).

**QUESTION 2.** Can the airman bypass commercial/instrument and take the ATP test?

**ANSWER 2:** Yes he can bypass the commercial/instrument; Read §61.153(d)(2).

**QUESTION- 3.** Does he take the military commercial/instrument knowledge test?

**ANSWER-3:** No he does not need to take the military comp. Read §61.153(f).

**QUESTION-4.** Does 61.73(c)(1), Pass the appropriate knowledge and practical tests.... apply to this person?

**ANSWER-4:** No, it does not apply. He is taking an ATP, so review §61.153 which is the rule that establishes the eligibility requirements for the ATP  
{Q&A-29}

## 61.75

**QUESTION:** Years ago, a Canadian pilot had gotten a restricted COMMERCIAL PILOT CERTIFICATE (based on his foreign license). He had ratings of: Airplane Single and Multiengine land. Within the past month, he came to our office asking to add two new type ratings (LRJET & CE-500) and an instrument rating. The type ratings had been added to his Canadian license since he got the original U.S. Restricted. He had also taken the IFP written.

Can the new type ratings be added to his commercial since he already had Airplane Multiengine Land? Or do they have to be added as Private Pilot Privileges?

**ANSWER:** On the premise that it is after August 4, 1997 when this person is applying for the additional type ratings: Yes! Per 61.75(a) states, in pertinent part, ". . . a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license . . ."

The Commercial Pilot Certificate would be reissued and would read as follows:

Commercial Pilot  
Airplane Single & Multiengine Land  
Instrument-Airplane  
Private Pilot Privileges - LR Jet, CE-500  
Issued on the basis of and valid only when accompanied by, Canadian  
pilot license number 1234567. All limitations and restriction on the

Canadian pilot license apply. Not valid for the carriage of persons or property for compensation or hire or for agricultural aircraft operations.

Now for my overall answer, we will permit a person to continue to hold the level of U.S. pilot certificate held prior to August 4, 1997 for those pilot certificates issued on the basis of §61.75. However, NEW ratings will always be issued for private pilot privileges only.

**NOTE:** The correction to the certificate issuance is to remove the notation “(US TEST PASSED)” that was previously (erroneously) shown following “Instrument-airplane.” The person had only taken the Instrument-Foreign Pilot (IFP) knowledge test to merit the instrument rating on the certificate. Had the person taken the Instrument Rating-Airplane knowledge test and a practical test the notation “(US TEST PASSED)” would have been correct.

{q&a-96}

**QUESTION 5:** The situation is a foreign pilot holds a U.S. private pilot certificate with an airplane multiengine land rating that was issued on the basis of the person’s Canadian commercial pilot certificate. He also holds Instrument Airplane (U.S. Test Passed) on that U.S. private pilot certificate. The person now comes to the FAA and applies for an un-restricted U.S. commercial pilot with an airplane multiengine land rating. However, the person’s foreign pilot certificate is not current because that person has allowed his foreign medical license to lapse (which is a Canadian requirement for the person’s Canadian commercial pilot certificate to remain current). However, that person has a current U.S. Class III medical certificate that was issued under Part 67. However, under §61.75(a), it states the person must hold a current foreign pilot license. Can the person apply for an un-restricted U.S. commercial pilot with an airplane multiengine land rating with an out-of-date foreign medical license but with a current U.S. medical certificate?

**ANSWER 5:** Ref. §61.123; Yes, provided the person meets the requirements of §61.123. The person can apply for the commercial pilot certificate. I agree the person has allowed his foreign medical license to lapse which according to that specific country’s rules makes his foreign pilot certificate not current. However, he has a current U.S. medical certificate and that is what is required under the eligibility requirements of §61.123 to apply for commercial pilot certification.

{q&a-136}

**QUESTION:** Here's the scenario:  
A foreign pilot holds a US restricted certificate based on his Lithuanian pilot certificate. He has taken the foreign pilot instrument knowledge test (IFP). Now he holds a US restricted private with airplane-instrument and SEL and MEL.

Now he wants to get a B-737 type rating (US Test passed). Does he need to take the full-blown IRA written test before he eligible to take the practical test in the B737?

We've looked at 61.63(d)(1). We're under the impression that that instrument rating must be a full-blown Part 61 rating and not the authorization issued by taking the foreign pilot knowledge test. Your reading please...

**ANSWER:** Ref. §61.63(d)(1); The applicant does not need to take the Instrument Rating-Airplane (IRA) knowledge test.

1. Since the applicant already holds an instrument rating, even though he holds it because he holds it on the basis of holding an Instrument-Airplane rating on his foreign pilot certificate and satisfactory completion of the Instrument Foreign Pilot (IFP) knowledge test, IT IS STILL AN INSTRUMENT RATING. Yes, an instrument rating that is based on a IFP knowledge test is an instrument rating. Therefore, the applicant need only comply with the remainder of those paragraphs (d)(2) through (d)(7) of §61.63 that are appropriate to his or her situation to qualify for a B737 type rating and that type rating shall not be limited to VFR provided the applicant accomplishes the required tasks in the Instrument Area of Operation as set forth in the Type Rating PTS, FAA-S-8081-5B.

2. Now, if this foreign person, at a later date, chooses to apply for an unrestricted U.S. pilot certificate, then that B737 type rating shall be limited to VFR unless the person accomplishes the required aeronautical experience and training of §61.65, passes the Instrument Rating Airplane (IRA) knowledge test, and passes the required Instrument-Airplane practical test.

{q&a-142}

**QUESTION 1:** The foreign pilot B737/instrument rating applicant took a checkride for the B737 and his restricted license says (US TEST PASSED). He took the foreign pilot instrument written exam and his restricted license says 'instrument-airplane' with no restrictions.

Now, let's say he comes back five years later to a pilot examiner to get an unrestricted US commercial certificate. How is the examiner to know that the B737 type rating should be restricted to 'VFR only' since the certificate that was issued on the basis of the foreign certificate has an unrestricted B737 type rating (US TEST PASSED) on it?

**ANSWER 1:** Ref. §§61.65(a), 61.123(f), and 61.133(b)(1); The examiner should know because the person's restricted U.S. certificate clearly states "Issued on the basis of and valid only when accompanied by [NAME OF COUNTRY] Pilot License No. [NUMBER FROM FOREIGN LICENSE]." **The 'instrument-airplane' entry without the notation "(US TEST PASSED)" indicates the pilot had only taken the IFP knowledge test. Had a checkride been involved it would have the notation "(U.S. TEST PASSED)" on the certificate following the instrument-airplane entry.** Then the examiner could, of course, further review the foreign person's pilot certificate and qualification history with AFS-760 (Airman Certification).

In your question, you stated "Now let's say he comes back five years later to a pilot examiner to get an **unrestricted** U.S. certificate . . ." Which indicates the person does not currently hold a **standard** U.S. pilot certificate. A standard U.S. commercial pilot certificate and instrument rating cannot be issued until that foreign person does EVERYTHING that our own citizens are required to do to get an unrestricted U.S. commercial pilot certificate and instrument rating. **This includes all of the §61.123, §61.125, §61.127 and §61.129 requirements. Many such applicants may have to also acquire some private pilot qualifications (§61.109) such as**

**night experience.** So before testing and issuing a standard U.S. commercial pilot certificate and instrument rating, the examiner should check the person's pilot certificate and qualification history through AFS-760.

And as per §61.133, the foreign pilot must hold ". . . an instrument rating in the same category and class . . ."

**QUESTION 2:** There is only one provision to issue any type rating limited to VFR and that is in 61.63(d)(5) if the aircraft type certificate says that the aircraft is incapable of operating under IFR. This doesn't apply to a B737.

**ANSWER 2:** There is another. Ref. §61.63(h); Yes, §61.63(h) may even apply to the B737 if the applicant ". . . provides an aircraft not capable of the instrument procedures . . ." Now we really can't imagine a B737 without the required instruments and equipment!

**QUESTION 3:** §61.63(d)(1) says that an applicant for a type rating must hold or concurrently obtain an instrument rating appropriate to the category, class or type rating issued. This B737 type rating was issued on the basis of completion of a US Test. We feel that the appropriate instrument rating is one issued under Part 61.65, including taking the IRA written test. We feel that the US IRA test would be the only appropriate test that this foreign pilot would take when he applies for a US B737 type rating to be added to his restricted certificate.

**ANSWER 3:** Ref. §61.65(a); The foreign person would not qualify for an (unrestricted) Standard U.S. instrument rating (i.e., US TEST PASSED) until that foreign person does EVERYTHING that our own citizens are required to do to get an unrestricted U.S. commercial pilot certificate and instrument rating.  
{q&a-147 }

**QUESTION:** Per the provisions of §61.75(f), can the English language transcription be signed by an official or representative of the foreign government's embassy or does it have to be signed by an official or representative of the foreign aviation authority that issued the foreign pilot license?

§61.75(f) states:

(f) Limitation on licenses used as the basis for a U.S. certificate. Only one foreign pilot license may be used as a basis for issuing a U.S. private pilot certificate. The foreign pilot license and medical certification used as a basis for issuing a U.S. private pilot certificate under this section must be in the English language or **accompanied by an English language transcription that has been signed by an official or representative of the foreign aviation authority** that issued the foreign pilot license.

**ANSWER:** Ref. §61.75(f), An English language transcription may be signed by an official representative in the foreign government's embassy. This would often be easier or faster than requiring such from an official actually in the foreign country. The intent for adopting this

new rule [i.e., §61.75(f)] was to provide that FSDO personnel have a certified valid transcript of what pilot license, restrictions and ratings are held by the foreign applicant to facilitate issuance of a Restricted U.S. pilot certificate that conforms to those foreign person's pilot license and ratings.

{q&a-139}

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**QUESTION:**

Reference §61.75(f):

We have a problem with the French DGAC because since the regulation is recent they do not know yet what kind of "transcription" is required. They learned and we learned about this regulation when French pilots started to call us about it because they could not get US Pilot certificates any more. They have been issuing this "transcription" for a few months, but the "transcription" required is not always the same.

(From Tony Fazio - FAA representative in Paris:) The problem is that we are getting reports that different FSDO's are asking for different information. What we are suggesting is a generalized format which everyone on our side agrees with, then we will send it to the authorities in question who can do a master translation. What we would need is a model transcription which would be accepted by all the FSDOs and that we could give to the DGAC for future reference.

You have to realize this is an extra burden for many authorities who have limited resources. What could end up happening is that they will refuse to do it. The person who suffers will be the pilot and perhaps training schools in the U.S.

**ANSWER:** We have a new rule [§61.75(f)] and the applicant has to comply with the new rule just like our U.S. citizens have to comply with their rules.

Simon discussed the below list with me and we agree with his recommendation that the transcription should AT LEAST contain the following:

- Name of originating ICAO country
- Name of issuing agency
- Name of pilot
- Grade of license, Private, Commercial, ATP
- Grade restrictions such as Restricted or Unrestricted (e.g., Belgium has a restricted private license that is NOT VALID outside Belgium and Restricted US certificates will not be issued based on them!)
- License number
- Category ratings
- Class ratings
- Type ratings
- Other ratings (e.g. INSTRUMENT, IMC, etc.)
- Expiration date
- Medical expiration date

Restrictions of a flight or medical nature  
 Authorizations ( i.e., on Netherlands licenses, is the pilot permitted PIC, or only SIC  
 privileges?)

{q&a-129}

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**QUESTION 1:** Ref. 61.75(c): Situation is that a foreign pilot holds a restricted U.S. private pilot certificate with ASEL rating that was issued on the basis of his German pilot certificate. The foreign pilot now wants to add a multiengine rating onto that U.S. private pilot certificate on the basis of accomplishing the required practical test (i.e., US TEST PASSED). Does the applicant have to pass the FAA's private pilot - airplane knowledge test?

**ANSWER 1: NO;** Ref. 61.75(c), but actually Order 8700.1, page 29-2, paragraph M, which states, in pertinent part, ". . . and the knowledge test, **IF APPLICABLE TO THE RATING SOUGHT**, must be passed. . ." Since the question concerns a person applying for a multiengine airplane and that person already holds an ASEL rating (i.e., holds powered aircraft rating and is applying for another powered aircraft ), there is no knowledge test for just an additional powered aircraft rating. So, the answer is no, the foreign pilot does not need to take a knowledge test. However, for a person to receive a rating with U.S. TEST PASSED, the person must have met the required aeronautical experience of Part 61, flight instructor endorsements of §61.63(c), and pass the required Private Pilot-AMEL practical test.

**QUESTION 2:** Same situation in that the foreign pilot holds a restricted U.S. private pilot certificate with ASEL rating that was issued on the basis of his German pilot certificate. The foreign pilot now wants to add a multiengine rating onto that U.S. pilot certificate on the basis of accomplishing the required practical test (i.e., US TEST PASSED). Does the person have to meet the required aeronautical experience requirements of Subpart E of Part 61 and flight instructor endorsements of §61.63(c)?

**ANSWER 2: YES;** Ref. 61.75(c), but actually Order 8700.1, page 29-2, paragraph M, which states, in pertinent part, ". . . added to his/her certificate on the basis of **MEETING THE REQUIREMENTS OF PART 61**, the practical test and the knowledge test, if applicable to the rating sought, must be passed. . ."

{q&a-124}

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**QUESTION:** A foreign pilots governmental licensing authority requires that the pilot has a current medical license from that country for that persons foreign pilot license to be current. Our rule 61.75(b)(4) provides that either a current medical under part 67 or a current foreign medical is required. Additionally, 61.75(a) and (b) requires the person to hold a current foreign pilot license. May a US Restricted pilot certificate be issued to the pilot if that pilot does not hold a current foreign medical license, but does hold a current US medical certificate?

**ANSWER:** Just like it says in §61.75(a), in pertinent part, ". . . holds a current foreign pilot license . . ." Therefore, don't issue our US Restricted certificate if the person's foreign pilot certificate is not current. If the person's foreign government requires him to always hold a



current medical from his own country for his pilot license to remain current then that is between him and his country.

{q&a-107}

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**QUESTION:** Do you know if there is a National guideline on whether we should request the reexamination of any airmen who holds a U.S. certificate based on his foreign certificate (issued before Aug 97) and does not currently speak English at a level the FSDO thinks meets the new regulations.

Reference §61.75(b)(5).

**ANSWER:** If you're asking whether we're going out doing a wholesale recall of these certificates with the English language limitation merely because they can't meet the new §61.75(b)(5) requirements, the answer is **NO**. Now, if during the course of an investigation or information became available to a FSDO that an individual pilot's competence and/or proficiency should be evaluated because the individual can't meet the new §61.75(b)(5) requirements (i.e., English language) **then yes** by all means we have the authority to initiate action on that person's pilot certificate. Furthermore, if a person applies for an additional rating and has the English language limitation on his existing certificate and still cannot "... read, speak, write, and understand the English language. . ." **then we will NOT reissue any certificate** unless the person is able to comply with the new §61.75(b)(5) requirements (i.e., English language).

{q&a-115}

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§61.75(b) requires the applicant to hold a "current foreign pilot license." Some countries validate pilot licenses on a regular basis, usually annual. This validation is based sometimes on medical examinations, sometimes on flight activity. I'm sure other criteria are used as well. The French have an annual medical endorsement. South Africa, Germany, Slovenia, Norway, etc. have a location on the license where they specify periods of validity. A Swedish license has the statement "Note: The statement of validity includes the validity of medical examinations according to ICAO Annex 1." (The word "ti" appears on the license, it is not my typo).

### QUESTIONS:

- 1) What is meant by the word "current?"
- 2) Does it mean that the license has to be valid for pilot operations in the country of issuance or does it just mean the license is not under order of revocation or suspension?
- 3) In the case of the French pilot without a medical endorsement; do we issue him a restricted certificate if he presents a current Part 67 medical certificate?
- 4) In the case of the South African pilot, do we issue him a restricted certificate because he shows us a current Part 67 medical certificate and a license which, although past its period of validity, is not under order of revocation or suspension?
- 5) In the case of the Swedish pilot (and in the case of a French pilot with a current medical endorsement on his French license), given Part 61.75(4), does the Swedish pilot, or French pilot, need a current Part 67 medical certificate since neither Sweden nor France issue medical certificates? Come to think of it, Germany does not even have a medical endorsement on the license.

**ANSWERS:** We do not have any written language on current, but IT IS A COMING. We are now going through all of Part 61 and adding words "current", "current and valid," or "valid."

1. Current means the person has met ALL of the appropriate recency of experience requirement of Part 61 for the flight operation being conducted and the person's medical certificate has not expired.
  2. Valid means the person's pilot certificate has not been surrendered, suspended, revoked, or expired.
  3. Yes, issue the certificate. Read §61.75(b)(4).
  4. In §61.75(a), We said "current" but in that reference it should say "valid." It will be fixed.
  5. You're making too much of the word "certificate." If some countries place only an endorsement on a pilot certificate instead of issuing an individual piece of paper for a medical certificate, we would say if the applicant has that endorsement then they have met our requirements of §61.75(a)(4).
- {q&a-78}
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#### QUESTION REGARDING VERBIAGE TO BE PLACED ON CERTIFICATES ISSUED UNDER FAR PART 61.75.

##### QUESTION

With the implementation of the August 4, 1997 regulatory changes it is unclear as to what wording should be placed on the restricted use pilot certificates issued under FAR 61.75. FAA Order 8700.1 has not yet been updated to reflect the new regulatory requirements. It is clear that only Private Pilot certificates can now be issued. Previously, three statements were placed on Private Pilot certificates. These were:

1. "issued on the basis of and valid only when accompanied by (name of country) license number \_\_\_\_\_",
2. "all limitations and restrictions on the (name of country) license apply," and
3. "not valid for agricultural aircraft operations."

Under the superseded regulation, paragraph (g)(2) clearly prohibited agricultural aircraft operations. This text has been removed from the new regulation so it seems apparent that the "not valid for agricultural aircraft operations" limitation is no longer appropriate and should not be added to the certificate.

The limitation "all limitations and restrictions on the (name of country) license apply" was placed on the certificates on the basis of handbook guidance. It seems there was no intent in the new

regulations to modify the concept that a restricted use US certificate, issued on the basis of a foreign certificate should not convey any more (or less) privileges that were authorized by the foreign certificate. Therefore, it appears that addition of the limitations cited in items one and two above is still appropriate. For instance, without this limitation, what would prohibit an airman who does not have night flying privileges in his home country from flying at night in the United States?

**ANSWER 1:** Review §61.75(e)(2) and (3) which states:

- (2) Is limited to the privileges placed on the certificate by the Administrator;
- (3) Is subject to the limitations and restrictions on the person's US certificate and foreign pilot license when exercising the privileges of that US pilot certificate in an aircraft of US registry operating within or outside the United States; and

and further review, §61.113 which states:

§ 61.113 Private pilot privileges and limitations: Pilot in command.

(a) Except as provided in paragraphs (b) through (g) of this section, no person who holds a private pilot certificate may act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may that person, for compensation or hire, act as pilot in command of an aircraft.

(b) A private pilot may, for compensation or hire, act as pilot in command of an aircraft in connection with any business or employment if:

- (1) The flight is only incidental to that business or employment; and
- (2) The aircraft does not carry passengers or property for compensation or hire.

(c) A private pilot may not pay less than the pro rata share of the operating expenses of a flight with passengers, provided the expenses involve only fuel, oil, airport expenditures, or rental fees.

(d) A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization described in paragraph (d)(7) of this section, and for which the passengers make a donation to the organization, when the following requirements are met:

(1) The sponsor of the airlift notifies the FAA Flight Standards District Office with jurisdiction over the area concerned at least 7 days before the event and furnishes —

(i) A signed letter from the sponsor that shows the name of the sponsor, the purpose of the charitable event, the date and time of the event, and the location of the event; and

(ii) A photocopy of each pilot in command's pilot certificate, medical certificate, and logbook entries that show the pilot is current in accordance with §§ 61.56 and 61.57 of this part and has logged at least 200 hours of flight time.

(2) The flight is conducted from a public airport that is adequate for the aircraft to be used, or from another airport that has been approved by the FAA for the operation.

(3) No aerobatic or formation flights are conducted.

(4) Each aircraft used for the charitable event holds a standard airworthiness certificate.

(5) Each aircraft used for the charitable event is airworthy and complies with the applicable requirements of subpart E of part 91 of this chapter.

(6) Each flight for the charitable event is made during day VFR conditions.

(7) The charitable organization is an organization identified as such by the US Department of Treasury.

(e) A private pilot may be reimbursed for aircraft operating expenses that are directly related to search and location operations, provided the expenses involve only fuel, oil, airport expenditures, or rental fees, and the operation is sanctioned and under the direction and control of:

(1) A local, State, or Federal agency; or

(2) An organization that conducts search and location operations.

(f) A private pilot who is an aircraft salesman and who has at least 200 hours of logged flight time may demonstrate an aircraft in flight to a prospective buyer.

(g) A private pilot who meets the requirements of § 61.69 of this part may act as pilot in command of an aircraft towing a glider.

Additionally, we are in the process of revising Order 8700.1, Chapter 29, page 29-6, paragraph 5.I.(4) to remove that paragraph.

{q&a-51}

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Additionally, if they don't "... read, speak, write, and understand the English language ..." [i.e., §61.75(b)(5)], they are not eligible for a US private pilot certificate. So that deletes the need for the use of the English language limitation.

{q&a-55a}

**QUESTION 7:** In accordance with the new §61.75, if an applicant from Mexico holds a US commercial pilot certificate with an ASEL rating and after August 4, 1997, when the new Part 61 came into effect, the applicant now wants to add an airplane single engine sea rating onto his §61.75 certificate on the basis he holds the airplane single engine sea rating on his Mexican commercial pilot certificate, do we issue it the commercial pilot level or private pilot level?

**ANSWER 7:** You would reissue the certificate at the Commercial Pilot Certificate level, but airplane single engine sea rating would be for private pilot privileges only. Otherwise, the certificate would say:

Commercial Pilot

Airplane Single Engine Land

Private Pilot Privileges - Airplane Single Engine Sea

Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft

operations

Issued on the basis of and valid only when accompanied by Mexican License No. 5551212.

All limitations and restrictions on the Mexican Pilot License apply.

**QUESTION 8:** In accordance with the new §61.75, a similar situation to Q7 but different in that the applicant is still from Mexico and still holds a US commercial pilot certificate with an ASEL rating. It is now after August 4, 1997, when the new Part 61 came into effect, and the applicant

wants to add an airplane single engine sea rating onto his §61.75 certificate. But the difference is the applicant passes the required US Commercial Pilot practical test in a single engine sea airplane. Do we issue it the commercial pilot level or private pilot level?

**ANSWER 8:** This is different because the applicant passed the required US Commercial Pilot practical test in a single engine sea airplane. You would reissue the certificate at the Commercial Pilot Certificate level, and the airplane single engine sea rating would also be at the commercial pilot level. Otherwise, the certificate would say:

Commercial Pilot

Airplane Single Engine Land

Airplane Single Engine Sea (US Test Passed)

Issued on the basis of and valid only when accompanied by Mexican License No.

5551212.

Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft

operations

All limitations and restrictions on the Mexican Pilot License apply.

**QUESTION 9:** In accordance with the new §61.75, a similar situation to Q7 and Q8, but different in that the applicant is still from Mexico but does not hold a US pilot certificate. But he does hold a Mexican Commercial Pilot Certificate with a rotorcraft helicopter rating. It is now after August 4, 1997, when the new Part 61 came into effect, and the applicant wants to receive a US pilot certificate based on his Mexican commercial pilot certificate. Do we issue it the commercial pilot level or private pilot level?

**ANSWER 9:** This is different because it is after August 4, 1997, so you will only issue the Mexican pilot a US Private Pilot Certificate with a rotorcraft-helicopter rating. Otherwise, the certificate would say:

Private Pilot

Rotorcraft-Helicopter

Issued on the basis of and valid only when accompanied by Mexican License No.

5551212.

All limitations and restrictions on the Mexican Pilot License apply.

**Notice:** This certificate does not contain the limitation “Not valid for carriage of persons or property for compensation or hire or for agricultural aircraft operations.” It is after August 4, 1997, and the new rule has gone into effect, and private pilot privileges and limitations are covered in the new §61.113 and that rule prohibits a private pilot from the “. . . carriage of persons or property for compensation or hire or for agricultural aircraft operations.”

But in all my answers on Q7, Q8, and Q9, remember the eligibility provisions of §61.75(b)(5) that state:

“(5) Is able to read, speak, write, and understand the English language. If the applicant is unable to meet one of these requirements due to medical reasons, then the Administrator may place such operating limitations on that applicant’s pilot certificate as are necessary for the safe operation of

the aircraft.” If the applicant is unable “. . . to read, speak, write, and understand the English language . . .” do not issue a certificate.

{q&a-73}

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**QUESTION 9:** 61.11(c) says: A pilot certificate issued on the basis of a foreign pilot license will expire on the date the foreign license expires, unless otherwise specified on the US pilot certificate. A certificate without an expiration date is issued to the holder of the expired certificate only if that person meets the requirements of sec. 61.75 for the issuance of a pilot license.

61.75 says(a) General. A person who holds a current foreign pilot license issued by a contracting State to the Convention on International Civil Aviation may apply for and be issued a private pilot certificate with the appropriate ratings when the application is based on the foreign pilot license that meets the requirements of this section.

A. If an ICAO certificate that a US certificate is based on expires, is the US certificate valid or invalid? How can it be specified otherwise?

**ANSWER 9A: INVALID. In spite of what the regulation says, no provision otherwise shall be made.**

B. How can a restricted certificate be “issued to the holder of the expired certificate only if that person meets the requirements of sec. 61.75 for the issuance of a pilot license” when 61.75 says the person must hold a current foreign pilot license to apply?

**ANSWER 9B: IT CAN NOT BE ISSUED.**

{q&a-60}

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**QUESTION 10:** Is AFS-760 issuing ANY certificates with the English restriction (other than medical related) for a pilot holding a certificate previously issued before August 4, 1997 with an English restriction:

A. For a lost certificate (a duplicate)?

**ANSWER 10A: YES**

B. For adding a rating to such a certificate per 61.63 with the continuance of the restriction?

**ANSWER 10B: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.**

C. The pilot comes in to the FSDO to have the restriction removed and is still not found competent to RWS&U English. If the English test is failed does the pilot lose the original certificate?

**ANSWER 10C: NO. The pilot will keep the certificate with the restriction.**

D. The pilot wants to get a standard (per part 61) private or commercial and is still not competent to RWS&U English?

**ANSWER 10D: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.**

E. The pilot comes back after obtaining additional class or category ratings in his home country and wants them added to his restricted US certificate, but is still not competent to RWS&U English?

**ANSWER 10E: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.**  
{q&a-60}

**QUESTION 11:** Conceding the lack of any statement of requirements in 61.63 regarding RSR&U English requirements, suppose a foreign airman who has acquired a standard US certificate (per part 61) with no English restriction comes back several years later from his home country to get an additional class added to his standard certificate, but has obviously lost his English capability. Should the examiner conduct the practical test and issue the additional class as though there was no problem, or what??

**ANSWER 11: NO. The pilot is not eligible for issuance of a certificate if the English requirements can not be met.**  
{q&a-60}

**QUESTION 12:** Is issuance of a Notice of Disapproval appropriate, or required, if a foreign pilot appears at the FSDO to obtain a US Restricted certificate (on basis) and is unable to pass an English test to demonstrate competence in RWS&U English?

**ANSWER NO. No established “practical test” is involved.**  
{q&a-60}

**QUESTION 13:** If an application is presented to a pilot examiner and the person is unable to demonstrate competence in RWS&U English (eg., resident alien), we are instructing the pilot examiners to send the person to the FSDO for the English test (8710.3C chap 5 § 7. D needs revision). The question is, should the pilot examiner issue a Notice of Disapproval?

**ANSWER 13: NO. Discontinue the test. No Notice of Disapproval is appropriate since the pilot is not eligible for the practical test or issuance of a certificate if the English requirements can not be met.**  
{q&a-60}

**QUESTION 14:** Does 61.75(b)(3) make a foreign pilot ineligible for a US Restricted certificate if for some reason the person has a US student pilot certificate? The “old” 61.75(b)(3)

said "does not hold a US pilot certificate of private pilot grade or higher." Is there a difference intended?

**ANSWER 14: NO. No there was no intent to change outcome. The student pilot certificate would not make the foreign pilot ineligible for a US Restricted, but any other including Recreational would.**

{q&a-60}

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**QUESTION 15:** A foreign pilot with instrument privileges took a knowledge test to have the instrument rating included on a US Restricted certificate. By mistake, the computer test center gave him the standard IRA test and he passed it. The appropriate test is the Instrument Foreign Pilot (IFP). He is told he must go back and take the Instrument Rating-Airplane (IRA) test even though the standard test would appear to have more thoroughly tested his knowledge. Is this a correct outcome?

**ANSWER 15: YES. The IFP test is required. The pilot passed the appropriate test for taking an instrument practical test and having the entry on the US Restricted say "INSTRUMENT AIRPLANE (US TEST PASSED)". But, if the pilot does not wish to take a practical test he must go back and take the IFP knowledge test.**

{q&a-60}

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Two different questions have been posed to me regarding restricted pilot certificates. First question was asked by a DPE. He has an applicant going for a commercial certificate. The applicant holds a restricted private certificate. The country that issued him his PPL did not require any night training. The old Part 61 required a commercial applicant to hold a private or meet the experience requirements for a private. The new 61 requires the applicant to hold a private, that's all.

**QUESTION #1:** Does the above applicant need to meet the new 61 [61.109(a)(2), 61.109(a)(2)(i) and 61.109(a)(2)(ii)] private requirements in addition to the new commercial 61 [61.129(a)(3)(iv)] requirement so that at certification he would have 5 hours night dual and 5 hours night solo or would the applicant be certificated with 2 hours night dual and 5 hours night solo?

**ANSWER #1:** No; Just like §61.123(h) states "Hold at least a private pilot certificate issued under this part . . ." **HOWEVER, to qualify** for the commercial pilot certificate, the applicant would have to meet ALL of the APPROPRIATE aeronautical experience requirements of §61.129. That would mean he would have to meet those night flying aeronautical experience requirements of **§61.129(a)(3)(iv) and (a)(4)(ii).**

The second question was asked by a Part 141 chief flight instructor. He has a student who holds a restricted commercial certificate issued 10 years ago. This student wants to train for a flight instructor certificate. To qualify for a CFI the applicant must hold a commercial or ATP certificate. The regulation does not elaborate on whether the certificate requirement excludes a restricted or special purpose certificate



**QUESTION #2a:** Is the CFI candidate who holds a restricted commercial pilot certificate eligible for a CFI certificate under the new Part 61?

**ANSWER #2a:** NO.

Reference §61.75; The scenario is a foreign pilot that holds a U.S. restricted Commercial Pilot Certificate (i.e., that was issued on the basis of that person's foreign Commercial Pilot license) and that U.S. Commercial Pilot Certificate was issued prior to August 4, 1997 (i.e., the date the new Part 61 became effective).

No, that U.S. restricted Commercial Pilot Certificate can not be used to meet the eligibility for a CFI certificate under the new Part 61. When that U.S. restricted Commercial Pilot Certificate was issued, the old §61.75(i) specifically stated: "A pilot certificate issued under this section does not satisfy any of the requirements of this part for the issuance of a flight instructor certificate."

Discussion of this question with the FAA's Office of Chief Counsel, AGC-240, and our Flight Standards' Certification Office, AFS-840, it was determined that those U.S. restricted Commercial Pilot Certificates were issued with a specific restriction against allowing them to be used for applying for a U.S. flight instructor certificate. Therefore, an applicant who holds a U.S. restricted Commercial Pilot Certificate (i.e., that was issued on the basis of that person's foreign Commercial Pilot license) cannot use it to apply for a U.S. flight instructor certificate.

**QUESTION #2b:** Is the candidate eligible if he holds a special purpose certificate? I know the new Part 61 calls it a "Special Purpose Pilot Authorization" whereas the old Part 61 called it a "Special Purpose Pilot Certificate."

**ANSWER #2b:** Review §61.77(c), as a special purpose pilot certificate issued under the old §61.77(c) or a special purpose pilot authorization issued under the new §61.77(c), that rule which addresses the privileges permitted would prevent the person from using it for meeting the eligibility requirements for gaining a flight instructor certificate.  
{q&a-78}

## 61.77

**QUESTION 4:** Ref. §61.77(a)(2); The situation is a Saudi Arabian based company (ARAMCO) leases U.S. registered deHavilland DHC-8 airplanes to be piloted by Canadian pilots and this company operates these DHC-8 airplanes throughout Saudi Arabia, Egypt, Israel, Kuwait, etc. The operation is considered to be "... For the carrying persons or property for compensation or hire." Do these Canadian pilots need a U.S. pilot certificate or a Special Purpose Pilot Authorization?

**ANSWER 4:** Ref. §61.77(a); The pilots shall be issued a Special Purpose Pilot Authorization.  
{q&a-136}

## 61.87

**QUESTION** What do the new rules state in regard to student pilots flying single place aircraft in solo flight?

**ANSWER** The new rules that address student pilots flying single place aircraft in solo flight are in § 61.87(l) and (n) which states:

(l) Limitations on student pilots operating an aircraft in solo flight. A student pilot may not operate an aircraft in solo flight unless that student pilot has received:

(1) An endorsement from an authorized instructor on his or her student pilot certificate for the specific make and model aircraft to be flown; and

(2) An endorsement in the student's logbook for the specific make and model aircraft to be flown by an authorized instructor, who gave the training within the 90 days preceding the date of the flight.

(n) Limitations on flight instructors authorizing solo flight.

(1) No instructor may authorize a student pilot to perform a solo flight unless that instructor has —

(i) Given that student pilot training in the make and model of aircraft or a similar make and model of aircraft in which the solo flight is to be flown;

(ii) Determined the student pilot is proficient in the maneuvers and procedures prescribed in this section;

(iii) Determined the student pilot is proficient in the make and model of aircraft to be flown;

(iv) Ensured that the student pilot's certificate has been endorsed by an instructor authorized to provide flight training for the specific make and model aircraft to be flown; and

(v) Endorsed the student pilot's logbook for the specific make and model aircraft to be flown, and that endorsement remains current for solo flight privileges, provided an authorized instructor updates the student's logbook every 90 days thereafter.

(2) The flight training required by this section must be given by an instructor authorized to provide flight training who is appropriately rated and current.

The preamble in the new Part 61 final rule that was issued on April 4, 1997 states:

“The FAA has modified § 61.87(c)(2) to permit a student pilot to demonstrate flight proficiency in a similar make and model of aircraft to that in which the student pilot will conduct solo flight. The FAA notes that similar make and model aircraft should be of a similar design, with similar operating, performance, flight, and handling characteristics. The revision made by the FAA to the proposal made in Notice No. 95-11 will apply to all categories and classes of aircraft. As examples, the proposed revision will permit a student pilot to receive flight training in a Schweizer 2-33 and solo a Schweizer 1-26, or receive flight training in a two-place gyroplane but solo in a single-place version of that same gyroplane, even though the single-place version has a slightly

smaller powerplant. The FAA also notes that a flight instructor must endorse a student pilot for solo flight in the actual make and model aircraft in which the student pilot will conduct flight operations."

{q&a-5}

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**QUESTION 1:** A question has been raised regarding FAR 61.87(M). Does this regulation require a specific night solo endorsement be made in a student's logbook? The questions center around the endorsement provisions of 61.87(m)(3). It states that the student must have an endorsement for the specific make and model aircraft to be flown at night. It goes on to say that the authorized instructor must have given "...the training within the 90-day period preceding the date of the flight." It's been suggested that as long as you can show an endorsement for a specific make/model aircraft in the student's logbook, this would suffice. Would it? If the student already has a current solo endorsement in their logbook for a C152 for day time operations per 61.87(l) would that existing endorsement meet the requirements of (m)(3) since it is a model specific endorsement for the same aircraft to be flown at night? Is there a requirement for separate day and night time endorsements?

**ANSWER 1:** For your information, the correction document (issued July 30, 1997) deleted §61.87(m)(3), and subparagraph (4) became (3). It was overkill. It is now a 90 day endorsement requirement only and yes a student must have a separate endorsement for operating solo at night. Yes it is a separate endorsement requirement.

**QUESTION 2:** Secondly....what happens to that endorsement on the 91st day? Is it your intention that the student must repeat the training previously received more than 90 days ago, or can the instructor simply sign off the student without additional instruction? §61.87(n)(1)(v) suggests that the original endorsement remains current provided the instructor "updates" the student's logbook every 90 days. I'm not quite sure what you mean by "update." Must the CFI make another endorsement, or do they simply have to show that the instructor has flown with the student within the last 90 days on some kind of instructional flight?

**ANSWER 2:** You do it just like any 90 day endorsement that expires. The flight instructor will need to re-sign the endorsement to permit the student to solo. If that instructor elects to give all the training required for a student to solo again then it is the instructor's call. However, in the "real world" most instructors who have been monitoring their student's training all along may give the re-endorsement if the instructor believes his or her is still proficient to continue to make solo flights without any specific amount of training given. It is the instructor's call! We believe the instructor knows his or her student's capabilities best.

**QUESTION 3:** The new rule says you must have an endorsement on the student pilot certificate for the make and model aircraft; and an endorsement in the student's logbook for the specific make and model aircraft to be flown by an authorized instructor who gave the training within the 90 days preceding the flight. What do you mean by "gave the training?" Would the instructor providing this endorsement have to give the student all of the training required under 61.87(d)? If so, how do you handle a transfer student? Would you have to give

that student all of the training in paragraph (d), or simply fly with them to verify their competency, and confirm they meet all the requirements for solo flight?

**ANSWER 3:** On a re-endorsement situation, read my answer on Q2 above. In the case of a transfer student between instructors, IF I WERE THE INSTRUCTOR taking over this student, I certainly would want to assure myself this student is proficient to solo. And yes, I would give the student enough training where I could say to myself, yes the student is proficient. But no place in the rule does it require this, IT IS THE INSTRUCTOR'S CALL TO MAKE! But instructor's beware, because you all are responsible for your students. Morally and legally.

{q&a-12}

**QUESTION** I have a question and some confusion on the new FAR 61.87 and 61.93 regarding the endorsement and training for "similar make and model of aircraft to be flown"..

Specifically, if a CFI endorses the student pilot certificate and logbook for a Cessna 150, could the student legally solo a Cessna 152, without a Cessna 152 endorsement in the logbook, if the CFI judged that the student demonstrated satisfactory proficiency and safety in the Cessna 152? If so, could the student also do solo cross country in the Cessna 152?

Appreciate your response as I seem to be confused one exactly what the responsibilities and privileges are.

**ANSWER** Read very carefully the words in §61.87(l)(2) and (n)(1)(v). It means the instructor must endorse the student's logbook for "the specific make and model to be flown." As an example, the student may receive flight training in a Cessna 150, but flies the Cessna 152 solo. The student will need a solo endorsement from his or her instructor for the Cessna 152 [specific make (Cessna) and model (152)]. Read the rules [i.e., §61.87(n)(1)(i) and (iii)] which govern the instructor's responsibilities to ensure their students are proficient in "the specific make and model to be flown." Therefore in answer to your specific question, the student must have an endorsement in his or her certificate and logbook for operating a Cessna 152 in solo flight. And if the student ever solo's a Cessna 150, the student's certificate and logbook must also contain a solo endorsement for the Cessna 150.

Notice the word "training" contained in §61.87(n)(1)(i), the rule does not specify whether the "training" has to be flight, ground, or both. We deliberately stated it that way to give the instructor liberty to train the student in a Cessna 150 and then endorse that student in "similar make and model of aircraft" Cessna 152 for solo flight. Read the FAA's Response on pages 16258-16259, beginning on the 3rd column, under the caption Section 61.87(c).

And even though you didn't ask the question, could a flight instructor provide "flight training" to a student in a Cessna 150 and then solo that student in a Cessna 172. The answer is yes, provided the student has received the proper solo endorsement and "training" for a Cessna 172. Could that same student receive flight training in a Piper PA 38-112 and then solo a Cessna 152. The answer is yes, provided the student has received the proper solo endorsement and "training" for a

Cessna 152. But the instructor should be careful to ensure their student is capable of handling this kind of difference going from a Piper product to a Cessna product. The entire purpose of the rewrite of Part 61 is to place more responsibility on the instructor who knows his or her student best. Instructors beware, don't let us down.

{q&a-19}

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## 61.101

**QUESTION 1:** Reference §61.101(c). §61.101(c) states:

(c) A person who holds a recreational pilot certificate may act as pilot in command of an aircraft on a flight that exceeds 50 nautical miles from the departure airport, provided that person has:

- (1) Received ground and flight training from an authorized instructor on the cross-country training requirements of subpart E of this part that apply to the aircraft rating held;
- (2) Been found proficient in cross-country flying; and
- (3) Received from an authorized instructor a logbook endorsement, which is carried on the person's possession in the aircraft, that certifies the person has received and been found proficient in the cross-country training requirements of subpart E of this part that apply to the aircraft rating held.

As it states in §61.101(c)(1), in pertinent part, “. . . cross-country training requirements of subpart E of this part. . .” does this mean a recreational pilot must also receive the night cross country training [e.g., §61.109(a)(2)(i)]? Keep in mind, recreational pilots are prohibited from night flying even if they get this training.

**ANSWER 1:** Yes, the recreational pilot must receive **ALL** of the cross country aeronautical experience of subpart E of Part 61 and that also includes the night cross country training.

{q&a-106}

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**QUESTION:** Does a recreational pilot need a logbook endorsement for every 50+ mile X/C from a CFI after receiving the extra instruction, or is the logbook endorsement for that extra X/C instruction sufficient for the person for all future 50+ X/C flights?

**ANSWER:** Review §61.101(c)(3). It says, in pertinent part, “. . . a logbook endorsement. . .” And “a” to me means one endorsement. A one time endorsement will suffice since the rule does not say a logbook endorsement is required each time.

{q&a-17}

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## 61.105

**QUESTION 6:** Situation is, I am a flight instructor and I have a student who is a Private Pilot and is rated in a single engine land airplane. This pilot is not seeking any further rating, but wants me to give him flight training on “stall awareness, spin entry, spins, and spin recovery techniques” just like it says in §61.105. The question is under §91.307(c) are parachutes required for this kind of training?

**ANSWER 6:** §61.105; No parachute is required. Historically the FAA’s position on this issue, we have determined since this training is a private pilot requirement that is addressed in §61.105 as an aeronautical knowledge training area and the person is merely receiving training on a piloting skill that is a pilot certification requirement for receiving, and for maintaining, that private pilot certificate, parachutes are NOT required. The rationale of this determination, also covers student pilots, commercial pilots, airline transport pilots, and flight instructors. But as always, the FAA would never discourage the use of parachutes.

{q&a-136}

## 61.109

**QUESTION 1:** Is it possible that a student pilot could take the practical test for a private grade certificate in a tailwheel airplane without ever having received or logged wheel landings or have flown solo in a tailwheel airplane as a student pilot without having received or logged training on wheel landings? Part 61.31 (i) requires a pilot-in-command of a tailwheel airplane to have received and logged wheel landings. However, Part 61.31(k)(2)(ii) excepts holders of student pilot certificates from 61.31(i)(1)(ii).

**ANSWER 1:** Reference §61.107(b)(1)(iv). Most certainly, the applicant would have to exhibit skill and proficiency in wheel landings. A student pilot applying for a private pilot certificate using a tailwheel airplane shall comply with §61.107(b)(1)(iv), and one of the tasks in that area of operation (see FAA-S-8081-15; Private Pilot PTS on pages 1-11 thru -14) would involve "Exhibits knowledge of the elements related to a . . . and landing", and §61.107(a) requires the training be received and logged. §61.31(k)(2)(ii) is a stand alone rule, completely independent of §61.31(i)(1)(ii).

{q&a-97}

**QUESTION 2:** Does the 50 NM landing requirement apply to all dual cross country training?

This has not been true in the past. For instance, previously, there was a requirement for a 2 hour dual cross country. We went to 3 or 4 airports, none of which were 50 miles away and this was OK. Has this changed? We have been completing a 100nm night X/C to 3 different airports, none of which is 50 NM away. Initially, these were acceptable. But, now the FSDO is disallowing any dual cross country training flights that do not include a landing more than 50 miles distant.

**ANSWER 2:** Reference §§61.1(b)(3)(ii) and 61.109(a)(1) and (2)(i): **Yes**, it must include **at least ONE** landing more than 50 NM from the original point of departure. Per §61.1(b)(3)(ii)(B), "That includes a point of landing that was at least a straight-line distance of more than 50 nautical miles from the original point of departure." Unless the distance is specifically stated otherwise [e.g., §61.109 (a) (5)(ii)] then YES it must include at least ONE landing more than 50 NM from the original point of departure.

{q&a-101}

**QUESTION 1:** Is there a discrepancy between §§61.1(b)(3)(ii) vs. 61.109(a)(5)(ii)? §61.1(b)(3)(ii) states:

(ii) For the purpose of meeting the aeronautical experience requirements (except for a rotorcraft category rating), for a private pilot certificate, a commercial pilot certificate, or an instrument rating, or for the purpose of exercising recreational pilot privileges (except in a rotorcraft) under § 61.101(c), time acquired during a flight—

(A) Conducted in an appropriate aircraft;

(B) That includes a point of landing that was at least a straight-line distance of **more than 50 nautical miles** from the original point of departure; and

(C) That involves the use of dead reckoning, pilotage, electronic navigation aids, radio aids, or other navigation systems to navigate to the landing point.

and

§61.109(a)(5)(ii) states:

(ii) One solo cross-country flight of at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of **at least 50 nautical miles** between the takeoff and landing locations; and

Otherwise, in §61.1(b)(3)(ii) cross country is "... **more than 50 nautical miles** ..." and in §61.109(a)(5)(ii) cross country is "... **at least 50 nautical miles** ..."

**ANSWER 1:** §61.1(b)(3)(ii) is the overall rule for defining cross country for the purpose of meeting the aeronautical experience requirements (except for a rotorcraft category rating) for a private pilot certificate. However, §61.109(a)(5)(ii) is a stand alone rule that requires a private pilot applicant to conduct a cross country that is "... at least 150 nautical miles total distance, with full-stop landings at a minimum of three points, and one segment of the flight consisting of a straight-line distance of **at least 50 nautical miles** between the takeoff and landing locations."

{Q&A-42}

Today, I have been answering calls on 61.109(a) which have brought up two issues. Can you help me understand?

**QUESTION** First, given the definition of flight training in 61.1(b)(6) and training time in 61.1(b)(15), all of which must be received from an authorized instructor, how can there be such a thing as "solo flight training?"

**ANSWER** In answer to your first question, yes we admit you have a point. However, try to write or even understand the rule by leaving off the word "training" in the context you have noted.

We had to differentiate between "dual" flight training vs. "solo" flight training. We could have used the words "solo" and "dual" but we didn't. "Solo flight training" means the applicant must be solo.

It doesn't mean sole manipulators of the controls, IT MEANS SOLO! It doesn't permit a student to have another person on board. IT MEANS SOLO! So, if the student has another person on board, the student is not solo.

**QUESTION** Second, I have assumed that the requirements in 61.109(a)(1), (2), (3), and (4) are included in the "20 hours of flight training from an authorized instructor" (in other words, dual), however, the way paragraph (a) reads, they could be included in the "10 hours of solo flight training." Should this be clarified?

In consideration of the preamble discussion, I would like to suggest rewording paragraph (a) to substitute "solo flight time" for "solo flight training," and insert "flight" in the last line so it would read, "and the flight training must include..."

**ANSWER** Your second question, subparagraphs (1) through (4) of §61.109(a) is "dual" flight training and subparagraphs (i) through (iii) of §61.109(a)(5) is solo flight time.  
{q&a-18}

**QUESTION** -7. Am I correct in interpreting that the "instrument flight training" (phrase not used before in conjunction with PVT requirements) required by 61.109(a)(3) need not be given by a CFII since the language of 61.195(c) seems to limit the requirement to instrument and type ratings only?

**ANSWER** -7: [§61.109(a)(3) was corrected in the Correction Document that was issued on July 30, 1997 and now states: "3 hours of flight training in a single engine airplane on the control and maneuvering of an airplane solely by reference to instruments, including straight and level flight, constant airspeed climbs and descents, turns to heading, recovery from unusual flight attitudes, radio communications, and the use of navigation systems/facilities, and radar service appropriate to instrument flight." And yes a CFI can teach it. It does not have to be a CFII.  
{q&a-8}

**QUESTION:** My recollection is that prior to new part 61, the old rule required no instrument time for private pilots. There was a requirement under old 61.107(a)(6) to provide flight instruction in the control and maneuvering of an aircraft solely by reference to instruments, but since there was no aeronautical experience requirement for simulated instrument time, it was interpreted as not requiring actual or simulated instrument time.

New Part 61 requires 3 hours of flight training on the control and maneuvering of an airplane solely by reference to instruments. The wording is very similar to the old rule, but it is contained in 61.109, Aeronautical experience. **We have been interpreting this as requiring either hood or actual instrument time. Is that correct, or could an applicant meet this requirement without having an actual or simulated instrument time in their logbook?**



**ANSWER:** The aeronautical experience required by §61.109(a)(3) would NOT have to be in simulated or actual instrument conditions. Otherwise, the aeronautical experience could be achieved without the student wearing a view limiting device.

However, according to our policy on this aeronautical experience, if a student were to perform the training with a hood or conduct the flight in actual instrument conditions and the training was certified by a CFII (i.e., CFII instrument-airplane) then the time would count as instrument training and could also be used to meet the aeronautical experience of §61.65(d).

{q&a-69}

**QUESTION 2:** Can the long cross-country requirement of §61.109(a)(5)(ii) be met by landing at an airport 40 NM north of original point of departure, then over flying the original point of departure to land at an airport 40 NM miles south and then return to the original point of departure, thus acquiring (more than) the 150 NM flight with (more than) 50 NM between two points of landing and landing at three locations -- (without going beyond 50 NM of the original point of departure).

**ANSWER 2:** On this specific rule and this rule only, yes a landing beyond 50 NM is not required. But we're intending to change §61.109 so it parallels with the distance requirements of §61.1(b)(3)(ii).

{q&a-60}

**QUESTION 18:** A private pilot applicant has been given 2.5 hours training in control and maneuvering an aircraft with reference to instrument in an approved training device by an instructor. Is the actual flight time in the aircraft reduced from 40 hours to 37.5 hours?

**ANSWER 18:** YES. -- 61.109(a) says "Except as provided in paragraph (i) ... must log 40 hours of flight time..." However, the 3 hours required in control and maneuvering an airplane solely by reference to instruments must be accomplished in an airplane of appropriate class.

{q&a-60}

**QUESTION 21:** If a student is color blind, will he/she be restricted from flying at night? Or will the person never be able to get a pilot certificate?

**ANSWER 21:** This person must have all the night training required. However, the certificate will be issued with the night flying prohibited limitation because of the medically documented deficiency per 61.13(b).

{q&a-60}

**QUESTION:** I am having trouble deciphering the required total time, dual time, and solo time for applicants of private pilot-glider ratings?

**ANSWER:** The answer is for the private pilot glider applicant is covered by the corrected §61.109(f) which states:

(f) For a glider category rating:

(1) If the applicant for a private pilot certificate with a glider category rating has not logged at least 40 hours of flight time as a pilot in a heavier-than-air aircraft, at applicant must log at least 10 hours of flight training in a glider including 20 training flights performed on the areas of operation listed in § 61.107(b)(6) of this part that include –

(i) 2 hours of solo flight in gliders in the areas of operation listed in § 61.107(b)(6) of this part, with not less than 10 launches and landings being performed; and

(ii) Three training flights in a glider in preparation for the practical test within the 60-day period preceding the practical test.

(2) If the applicant has logged at least 40 hours of flight time in heavier-than-air aircraft, the applicant must log at least 3 hours of flight training in a glider including 10 training flights performed on the areas of operation listed in § 61.107(b)(6) of this part that include —

(i) 10 solo flights in gliders on the areas of operation listed in § 61.107(b)(6) of this part that apply to gliders; and

(ii) Three training flights in preparation for the practical test within the 60-day waiting period preceding the test.

Otherwise in simple terms paragraph (f)(1) requires for private pilot applicants that **have not** logged at least 40 hours of flight time as a pilot in a heavier-than-air aircraft, the applicant must log at least--

1. A total of at least 10 hours of flight training in a glider

a. 20 training flights performed on the areas of operation listed in § 61.107(b)(6)

that

includes three training flights in a glider in preparation for the practical test

within the

60-day period preceding the practical test; and

b. 2 hours of solo flight in gliders in the areas of operation listed in § 61.107(b)(6)

of this

part, with not less than 10 launches and landings being performed

or

Otherwise in simple terms paragraph (f)(2) requires for private pilot applicants for the applicant that **has** logged at least 40 hours of flight time in heavier-than-air aircraft, the applicant must log at least--

2. 3 hours of flight training in a glider

a. 10 training flights performed on the areas of operation listed in § 61.107(b)(6)

that

includes three training flights in a glider in preparation for the practical test

within the

60-day period preceding the practical test; and

b. 10 solo flights in gliders on the areas of operation listed in § 61.107(b)(6).

{q&a-35}

## 61.110

**QUESTION** The question comes from Alaska..... The new night restriction for Alaska. Does the one year time frame for completing the required training apply to those pilots certificated prior to August 4, 97?

**ANSWER 1:** If the person's certificate was issued prior to August 4, 1997 with the "Night Flying Prohibited" limitation then we cannot go back and force that person to get the training.

**QUESTION** For those certificated after August 4, with the restriction "night flying prohibited" placed on their certificate, just what does happen at the end of the one year when the pilot has not completed the required training to remove the restriction?

**ANSWER** Just like the rule (i.e., §§61.110 and 61.131) says ". . . become invalid for use." So if anybody with a certificate issued on or after August 4, 1997 (emphasis added on or after August 4, 1997) that has the "Night Flying Prohibited" limitation then just like the rule says ". . . become invalid for use."  
 {q&a-21}

**QUESTION:** 1. Regarding the requirement to obtain night flight experience for certain pilots, the FAA writes, in the preamble.....By deleting the exception for pilots who have night flying restrictions due to medical conditions, these pilots will now be required to have 3 hours of night flight training. However, the certificates of such pilots will be issued with an operating limitation prohibiting night flying.....

The number of students with medical conditions will certainly constitute a minority, it is my opinion, however, the requirement for 3 hours dual places an undue economic burden on those pilots. What purpose is served by flying a student at night who is unable to distinguish color due to color blindness?

**ANSWER:** Review §61.110, the only exception is for "A person who receives flight training in and resides in the State of Alaska . . ." That is the only applicants who are exempt but they are only exempt for 12 calendar months. And further, review §61.109(a)(2) or any of the §61.109(\*) (2), it requires 3 hours of night flying and there are no exceptions.

So the first rationale for requiring the private pilot applicant to possess the night flying aeronautical experience is because the final rule requires it. The second rationale is because the FAA has determined that even a person who has a night vision impairment needs to gain the aeronautical experience even if his/her medical condition prevents him/her from operating at night. What would that applicant do if he/her were on a cross country and it ran over into darkness? Forget the violation of the FAR's (i.e., §61.53). Wouldn't it be better to gain the night aeronautical experience for the first time with an instructor on board, as opposed to the applicant being solo the first time? And the third rationale, do we also exempt the applicant who says I

never plan to fly under IMC, so why do I need to get 3 hours of basic instrument flying? And the next guy says I will never operate off a soft field, so why do I need to get aeronautical experience on soft field landings and takeoffs. See where these exceptions go once we get started on trying to accommodate everybody's individual needs.

{q&a-16}

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## 61.113

**QUESTION:** I have reviewed your question in which you asked whether a private pilot may receive compensation while towing gliders, in accordance with the new §61.113(g).

**ANSWER:** The answer is no, a private pilot may not receive compensation for towing a glider.

The intent, and the wording of the new §61.113(g), was to permit a private pilot who meets the requirements of §61.69 of this part to “. . . act as pilot in command of an aircraft towing a glider” for the purpose of logging pilot in command (PIC) time. The new rule was never intended to conflict with the FAA’s long standing legal interpretations and policies on compensation for private pilots. And the wording of the new §61.113(g) only addresses the issue that permits a private pilot to “. . . act as pilot in command of an aircraft towing a glider” for the purpose of permitting a private pilot to **log** pilot in command time. As you recall, the wording of the old §61.69 permitted a private pilot to act as a PIC but was moot on logging the time. The new §61.113(g) was issued to correct it.

However, we agree the wording of the new §61.113(a) may be confusing. In the next go-around on correcting some of the wording mistakes, we have recorded it as a candidate for correction to conform the intent and the wording of §61.113(g).

{q&a-72}

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## 61.123

**QUESTION 5:** The situation is a foreign pilot holds a U.S. private pilot certificate with an airplane multiengine land rating that was issued on the basis of the person’s Canadian commercial pilot certificate. He also holds Instrument Airplane (U.S. Test Passed) on that U.S. private pilot certificate. The person now comes to the FAA and applies for an un-restricted U.S. commercial pilot with an airplane multiengine land rating. However, the person’s foreign pilot certificate is not current because that person has allowed his foreign medical license to lapse (which is a Canadian requirement for the person’s Canadian commercial pilot certificate to remain current). However, that person has a current U.S. Class III medical certificate that was issued under Part 67. However, under §61.75(a), it states the person must hold a current foreign pilot license. Can the person apply for an un-restricted U.S. commercial pilot with an airplane multiengine land rating with an out-of-date foreign medical license but with a current U.S. medical certificate?

**ANSWER 5:** Ref. §61.123; Yes, provided the person meets the requirements of §61.123. The person can apply for the commercial pilot certificate. I agree the person has allowed his foreign medical license to lapse which according to that specific country's rules makes his foreign pilot certificate not current. However, he has a current U.S. medical certificate and that is what is required under the eligibility requirements of §61.123 to apply for commercial pilot certification.

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{q&a-136}

**QUESTION** 10. FAR 61.123(h) requires an applicant for COM'L to hold a PVT; 61.153(d) requires an ATP applicant to hold a COM'L/IFR. What is the proper documentation for an applicant who meets all the experience requirements as a foreign military pilot --not eligible under 61.73-- who takes a combined PVT & COM'L test, or combined IFR and ATP test? In the past we completed one (1) 8710-1 and the examiner issued one (1) temporary, and collected the PVT & COM'L, or ATP and IFR test results. Must they now fill out two (2) 8710-1's and two (2) temporaries [one for each rating], and turn in the test results, the 8710-1's and the "superseded" temporary they just filled out?

**ANSWER 10:** [§61.153(d)(3)] reads "Holds either a foreign airline transport pilot or foreign commercial pilot license and an instrument rating, without limitations issued by a contracting State to the Convention on International Civil Aviation." Like the rules states the documentation would be the person's "foreign airline transport pilot or foreign commercial pilot license and instrument rating."

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{q&a-8}

**QUESTION** #1: An examiner has an applicant going for a commercial certificate. The applicant holds a restricted private certificate. The country that issued him his PPL did not require any night training. The old Part 61 required a commercial applicant to hold a private or meet the experience requirements for a private. The new 61 requires the applicant to hold a private, that's all.

Does the above applicant need to meet the new 61 [61.109(a)(2), 61.109(a)(2)(i) and 61.109(a)(2)(ii)] private requirements in addition to the new commercial 61 [61.129(a)(3)(iv)] requirement so that at certification he would have 5 hours night dual and 5 hours night solo or would the applicant be certificated with 2 hours night dual and 5 hours night solo?

**ANSWER** #1: No; Just like §61.123(h) states "Hold at least a private pilot certificate issued under this part . . ." **HOWEVER, to qualify** for the commercial pilot certificate, the applicant would have to meet ALL of the APPROPRIATE aeronautical experience requirements of §61.129. That would mean he would have to meet those night flying aeronautical experience requirements of **§61.129(a)(3)(iv) and (a)(4)(ii).**

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{q&a-78}

## 61.127

**QUESTION 2:** Part 61.127(b)(1)(x) refers to high-altitude operations. §61.127 (a) says the applicant must have received ground and flight training in those areas of operation. Does that

mean a commercial applicant single engine land must find a pressurized single engine aircraft or an aircraft equipped with oxygen for training?

**ANSWER 2:**

NO. However, the applicant must receive training on high-altitude operations and physiological and be prepared for knowledge testing relating to the appropriate Areas of Operation.  
{q&a-112}

## 61.129

**QUESTION:** I am seeking assurance that I understand a detail in sec.61.129 correctly. There you refer - in 61.129(a)(3)(iii) to a cross-country flight without requiring a landing but consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure. Does that mean that I could fly a cross-country without a landing, but at least 100 NM away from the departure airport at one point of the flight? This is how I currently understand the wording. Please let me know if this is correct - and maybe also, WHY the rule is like this, the idea behind it.

**ANSWER:** You are **NOT** correct in your assumption. You have to have a landing. §61.129(a)(3)(iii) states, in pertinent part, "One cross-country . . . of a total straight line distance of more than 100 nautical miles from the original point of departure. Emphasis on the words "cross-country." Since you are a commercial pilot applicant, now go to §61.1(b)(3)(ii)(B) which defines "cross country" for a commercial pilot applicant as ". . . That includes a point of landing that was at least a straight line distance of more than 50 nautical miles from the original point of departure;"  
{q&a-148}

**QUESTION:** Could you please differentiate the role of the CFI in 61.129(b)(3) and (b)(4). In the former, it is obvious that training (dual instruction) in the areas of 127(b)(2) is the goal of this section. In the latter, however, 61.129(b)(4) is repetitive in content, except the word training is eliminated. Is the role of the CFI in (b)(4) an observer only, almost acting as an examiner, viewing the applicant as he performs the 300 mile cross country and five hours of night flying?

Does the applicant log the time for (b)(4) as PIC with no instruction received ? Is the CFI, by regulation, required to log the time as dual given in accordance with 61.189(a) ?

If an applicant is a Private Pilot AMEL with 500 hours of PIC in multiengine airplanes and has flown cross country over 300 miles and the required night time as detailed in (b)(4) but not with a CFI, does he still need to fly with an authorized CFI to meet (b)(4) when he seeks a Commercial AMEL?

**ANSWER: Reference §61.129(b)(4);** The expectation is that the applicant demonstrate ". . . performing the duties of pilot in command in a multiengine airplane . . ."

There is a minor correction to §61.129(b)(2) coming out in March that will specifically state that the applicant can use that 10 hours of time of ". . . performing the duties of pilot in command in a multiengine airplane . . ." toward the pilot in command to meet the pilot in command aeronautical experience of §61.129(b)(2) and we permit it today by policy.

Additionally, another minor correction is coming out in March that is going to revise §61.129(b)(4) by adding the words "10 hours of solo flight time in a multiengine airplane or 10 hours of flight time performing the duties of pilot in command in a multiengine airplane . . ."

The only reason we had to word §61.129(b)(4) the way we did is because commenters to the Notice of Proposed Rulemaking document informed us insurance companies won't insure multiengine airplanes unless pilots are rated in an multiengine airplanes.

Now for your request ". . . Could you please differentiate the role of the CFI in §61.129(b)(3) and (4). . ."

For §61.129(b)(3) an instructor would perform the normal active instruction followed by evaluation of its effect.

But for §61.129(b)(4), the CFI shall act like an SIC and also observe and train the student on ". . . performing the duties of pilot in command in a multiengine airplane . . ."

**Reference §61.51(e)(3),** the CFI may log that time as PIC time.

**Reference §61.51(e)(1)(ii),** [i.e., ". . . which more than one pilot is required under . . . or the regulations under which the flight is conducted."], the student can log it as PIC time because §61.129(b)(4) requires the flight to be performed with two pilots.

And for your last question about the private pilot, the correction change that is coming out in March will negate that question. But for right now, accept either solo time or with an authorized instructor, because the change is coming soon.

{q&a-127}

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**QUESTION:** If a commercial pilot with single-engine land rating was to add a multiengine class rating, he or she would do so under FAR 61.63(c). FAR 61.31(d) prohibits a person from "serving" as the PIC of an aircraft unless that person...

1. Holds the appropriate category, class, and type rating ...for the aircraft to be flown, or
2. [Is] receiving training for the purposes of obtaining an additional pilot certificate and rating that are appropriate to that aircraft, and be under the supervision of an authorized instructor, or
3. Have received training required by this part that is appropriate to the aircraft category, class, and type rating...for the aircraft to be flown, and have received the required endorsements from an

instructor who is authorized to provide the required endorsements for solo flight in that aircraft.

The implication is that a commercial pilot with a single-engine land rating, meeting the requirements of FAR 61.31(d)(2) could "serve" as PIC of a multiengine airplane while under the supervision of a flight instructor. Could that person log this time as PIC under FAR 61.51(e)(4) even though they are not solo and have no current solo flight endorsement for the aircraft? Under paragraph (3) of FAR 61.31(d), could you log PIC time in a multiengine airplane under FAR 61.51(e)(4) while flying solo?

If you can log PIC while flying under the supervision of an authorized instructor, is there anything that would prohibit going back in your logbook and recording dual instruction in a multiengine airplane as PIC, similar to what you said could be done in the case of student pilots previously logging solo time?

**ANSWER:** Reference §61.51(e): Let's not mix "to serve as pilot in command" vs. logging PIC time. §61.51(e) is the rule that address LOGGING PIC time. However, §61.129(b)(4) permits an applicant for add-on multiengine airplane rating at the commercial pilot level to credit that time as PIC time, per §61.51(e)(1)(ii). However, the "student" must actually be performing the duties of pilot-in-command and not receiving other training.  
{q&a-110}

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**QUESTION:** Could you meet the requirements of FAR 61.129(a)(3)(ii) & (iii) with a VFR trip in which your instructor placed you under the hood? The regulation specifically calls for day VFR conditions (let's assume for this question that the entire trip was under VFR conditions), so, does the fact that you may be under the hood negate the intent of the regulations?

I guess another way to put it would be to say, the FARs require you to log the conditions of flight. Under 61.51(b)(3), if you log hood time, are you excluded from logging day or night as a condition of the flight?

**ANSWER:** I assume you meant to say §61.129(a)(3)(iii) and (iv).

Reference §61.129(a)(3)(iii) and (iv), in pertinent part, it states:

"... VFR conditions ..." And VFR stands for visual flight rules.

No, you cannot do this under the hood.

{q&a-93}

**QUESTION 4:** Reference §61.129(b)(3). How much training is required for a Commercial Pilot Certificate with an airplane multiengine land rating?



**ANSWER 4:** “20 hours of training on the areas of operation §61.127(b)(2) of this part. . .”  
 Note, at this point in the rule it does not specify whether the training has to be in a single engine airplane, multiengine airplane, or whatever. Read on. The pertinent portions of §61.129(b)(3) and (4) state as follows:

(b) \* \* \* \* \*

(3) 20 hours of training on the areas of operation listed in §61.127(b)(2) of this part that includes at least--

(i) 10 hours of instrument training of which at least 5 hours must be in a multiengine airplane; HERE IS THE 1ST PLACE WHERE THE RULE SPECIFICALLY REQUIRES TRAINING TO BE IN A MULTIENGINE AIRPLANE. AND COULDN'T THESE HOURS (the “10 hours” and the “5 hours”) BE DONE IN COMBINATION WITH THE BELOW PARAGRAPH (ii) REQUIREMENTS. THE ANSWER IS YES IT COULD.

(ii) 10 hours of training in a multiengine airplane that has a retractable landing gear, flaps, and controllable pitch propellers, or is turbine-powered, or for an applicant seeking a multiengine seaplane rating, 10 hours of training in a multiengine seaplane that has flaps and a controllable pitch propeller; HERE IS THE 2ND PLACE WHERE THE RULE SPECIFICALLY REQUIRES TRAINING TO BE IN A MULTIENGINE AIRPLANE. AND COULDN'T THE HOURS IN THE ABOVE PARAGRAPH (i) BE DONE IN COMBINATION WITH THIS PARAGRAPH'S REQUIREMENTS. THE ANSWER IS YES IT COULD.

(iii) One cross-country flight of at least 2 hours in a multiengine airplane in day VFR conditions, consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure; HERE IS THE 3RD PLACE WHERE THE RULE SPECIFICALLY REQUIRES TRAINING TO BE IN A MULTIENGINE AIRPLANE. AND COULDN'T THIS REQUIREMENT BE DONE IN COMBINATION WITH THE ABOVE PARAGRAPH (ii) REQUIREMENTS. THE ANSWER IS YES IT COULD.

(iv) One cross-country flight of at least 2 hours in a multiengine airplane in night VFR conditions, consisting of a total straight-line distance of more than 100 nautical miles from the original point of departure; and HERE IS THE 4TH PLACE WHERE THE RULE SPECIFICALLY REQUIRES TRAINING TO BE IN A MULTIENGINE AIRPLANE. AND COULDN'T THIS REQUIREMENT BE DONE IN COMBINATION WITH THE ABOVE PARAGRAPH (ii) REQUIREMENTS. THE ANSWER IS YES IT COULD.

(v) 3 hours in a multiengine airplane in preparation for the practical test within the 60-day period preceding the date of the test. HERE IS THE 5TH PLACE WHERE THE RULE SPECIFICALLY REQUIRES TRAINING TO BE IN A MULTIENGINE AIRPLANE. AND COULDN'T THIS REQUIREMENT BE DONE IN COMBINATION WITH THE ABOVE PARAGRAPH (ii) REQUIREMENTS. THE ANSWER IS YES IT COULD.

(4) 10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor on the areas of operation listed in §61.127(b)(2) of this

part, which includes at least-- Here is the 6th place where the rule specifically requires a multiengine airplane. Could this requirement be done in combination with the above paragraph (b)(3)(ii) requirements? **THE ANSWER IS NO.** This is a totally separate requirement from the above paragraph (b)(3)(ii) requirements. We expect the flight instructor to act like an SIC and the applicant to act like a PIC.

(i) One cross-country flight of not less than 300 nautical miles total distance with landings at a minimum of three points, one of which is a straight-line distance of at least 250 nautical miles from the original departure point. However, if this requirement is being met in Hawaii, the longest segment need only have a straight-line distance of at least 150 nautical miles; and **HERE IS THE 7TH PLACE WHERE THE RULE SPECIFICALLY REQUIRES A MULTIENGINE AIRPLANE.**

(ii) 5 hours in night VFR conditions with 10 takeoffs and 10 landings (with each landing involving a flight with a traffic pattern) at an airport with an operating control tower. **HERE IS THE 8TH PLACE WHERE THE RULE SPECIFICALLY REQUIRES A MULTIENGINE AIRPLANE.**

{q&a-89}

**QUESTION:** This is in response to a letter requesting an interpretation of the term “original point of departure” contained in §61.129(b)(3)(iii).

**ANSWER:** There is no definition of the term “original point of departure” in Parts 1 or 61 or any other FAA publication. In answer to the question on a policy interpretation of “original point of departure,” each situation is unique and a definitive definition of “original point of departure” that will cover ALL circumstances and situations is not practicable AND NOT POSSIBLE.

As an example, a person departs the Los Angeles International Airport for the purpose of conducting a “round robin” cross-country flight (emphasis purpose of conducting a cross-country flight) from the Los Angeles International Airport to Blythe, CA airport to refuel, then onto to Yuma, AZ airport to refuel, and then return to the Los Angeles International Airport. In this situation, since the purpose was to conduct a “round-robin” cross-country flight, the “original point of departure” was the Los Angeles International Airport.

Next example, a person departs the Hawthorne, CA Airport for the purpose of repositioning (emphasis purpose of repositioning the aircraft) the aircraft to another airport, known as the Los Angeles International Airport to start a cross-country flight so as to be able to meet the 250 nautical miles cross-country requirements of section 61.129(a)(4)(i). In this situation, since the purpose was to reposition the aircraft to the Los Angeles Intl. Airport, the “original point of departure” would be the Los Angeles International Airport.

Another example, a person departs the Los Angeles International Airport on day 1 for the purpose of conducting a cross country flight to the San Jose Airport (emphasis purpose of conducting a cross country flight to the San Jose Airport) and remains overnight. On day 2, that person departs San Jose Airport for the purpose of conducting a cross country flight to the Lake

Tahoe Airport (emphasis purpose of conducting a cross-country flight to the Lake Tahoe Airport) and remains overnight. On day 3, that person departs Lake Tahoe Airport for the purpose of conducting a cross country flight to the Los Angeles Intl. Airport (emphasis purpose of conducting a cross-country flight to the Los Angeles Intl. Airport) for termination. Which airport is the “original point of departure?” All 3 airports would qualify as the “original point of departure.”

Now in a similar situation, but slightly different, a person departs the Los Angeles International Airport for the purpose of conducting a round-robin (without ever landing enroute) cross-country flight from the Los Angeles International Airport to the San Diego, CA 030° radial at 12 DME to the Yuma, AZ 350° radial at 10 DME and then returns to the Los Angeles Intl. Airport (emphasis purpose of conducting a “round-robin” cross-country flight). Which airport is the “original point of departure?” The Los Angeles International Airport is the “original point of departure” But this cross country flight will not qualify for you applicants in pursuit of a private pilot certificate, commercial pilot certificate, or an instrument rating.

Adherence to these strict definitions of cross country and the “original point of departure” is only necessary when the purpose is for crediting cross country aeronautical experience for the furtherance of a pilot certificate and rating. Cross country aeronautical experience acquired in pursuit of a private pilot certificate, commercial pilot certificate, and an instrument rating must meet the requirements of §61.1(b)(3)(ii). Cross country aeronautical experience acquired in pursuit of an airline transport pilot certificate must meet the requirements of §61.1(b)(3)(iv). And military pilots’ cross country aeronautical experience is addressed in §61.1(b)(3)(v). Cross country aeronautical experience acquired in pursuit of a pilot certificate with a rotorcraft rating must meet the requirements of §61.1(b)(3)(iii). Now if the cross country is not being utilized for the purpose of meeting the aeronautical experience for the furtherance of a pilot certificate, then that cross country flight time may be logged in accordance with §61.1(b)(3)(i).

AND EVEN THOUGH YOU DIDN’T ASK, THE ANSWER IS NO. The time logged in a flight simulator or flight training device CANNOT be credited toward meeting the cross country aeronautical experience. Did you ever notice in all of §61.1(b)(3) the words “time acquired during a flight. . .” and “. . . Conducted in an appropriate aircraft?” No, the time logged in a flight simulator or flight training device cannot be credited toward meeting the cross country aeronautical experience.

{q&a-98}

**QUESTION** Concerns a commercial pilot applicant that completed his commercial pilot practical test, but his application and his aeronautical experience does not meet the commercial pilot requirements of §61.129(b)(3)(iii) [i.e., night flying aeronautical experience] because of a mistake in the issuance of the rules that did not require night flying experience?

**ANSWER** I have followed the “paper trail” of this alleged omission that the applicant claims. There was no omission in the rule on this aeronautical experience. The mistake occurred with Jepperson-Sanderson’s issuance of the rules, not the FAA’s Code of Federal Regulations. The FAA’s rule are correct.

In the FAA's issuance of Amdt. No. 61-100 (61 FR 34555; July 2, 1996), the only omission related to the provision "... at least 100 hours in powered aircraft. . ." that was omitted from §61.129(b)(1). The correction document that was issued as a final rule on March 21, 1997 (62 FR 13790; Amdt No. 61-101) reinstated the provision "... at least 100 hours in powered aircraft" in §61.129(b)(1). The correction document placed five asterisk (\*) after §61.129(b)(2)(ii) which means the remaining portion of §61.129 [i.e., §61.129(b)(3) and (4) and (c)] remains in effect. Jepperson, incorrectly omitted §61.129(b)(3) and (4) and (c). The FAA did it correctly. There is no mistake here on the FAA's part.

Therefore, the applicant will be required to gain the night aeronautical experience as required by §61.129(b)(3)(iii) before the certificate can be issued. However, we think it would only be fair since the applicant has already passed the practical test to only require him to fly the required aeronautical experience that he is lacking and then have him, his instructor, and the examiner complete a new application and then resend it to AFS-760. That procedure would be fair to the applicant and still maintain the legal requirements for issuance of the pilot certificate.

{q&a-37}

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**QUESTION:** §61.129(c)(3)(i) is the rule that requires instrument training for a commercial pilot certificate with a helicopter rating and the rule states "10 hours of instrument training in an aircraft" Does this instrument training have to be given by a CFII?

**ANSWER:** Yes and the CFII must be for the category and class of aircraft that the training is being given in. For example, if the training is being given in an airplane, then the CFII would have to hold an instrument-airplane rating on his or her flight instructor. If the training is being given in a helicopter, then the CFII would have to hold an instrument-helicopter rating on his or her flight instructor certificate.

**QUESTION:** What are the training tasks required for instrument training for a commercial pilot certificate with a helicopter rating that is addressed in §61.129(c)(3)(i)?

**ANSWER:** The training tasks are: Knowledge of the elements related to navigation systems and ATC radar services; Selects and identifies the appropriate navigation system/facility; Locates the aircraft's position using radial, bearings, or coordinates; Intercepts and tracks a given radial or bearing; Recognizes and describes the indication of station passage; Recognizes signal loss and takes appropriate action; Utilizes proper communication procedures when utilizing ATC radar services; Maintains the appropriate altitude within  $\pm 100$  feet and heading  $\pm 10$  degrees; Knowledge of the elements related to procedures for diversion; Knowledge of the elements related to lost procedures; Uses available navigation aids or contacts an appropriate facility for assistance; and Plans a precautionary landing if deteriorating visibility and/or fuel exhaustion is imminent.

**QUESTION:** What are the minimum **flight** instruments and equipment requirements for the aircraft that are used for the instrument training for a commercial pilot certificate with a helicopter rating that is addressed in §61.129(c)(3)(i)?

**ANSWER:** For daytime instrument training, the aircraft's minimum **flight** instruments and equipment requirements may be as simple as the instruments requirements of §91.205(b) with a portable communication radio, and a portable VOR navigation radio or some other kind of navigation radio in the aircraft. As an example, if the training was given in a helicopter, the instrument equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication radio, and a portable navigation radio.  
{q&a-38}

61.129, 61.57, and 61.159

**QUESTION 1:** If a commercial pilot applicant has not completed his practical prior to August 4, 1997 can he be grandfathered. Specifically, he completed his cross country with another person on board the aircraft and the new Part 61 requirements require that he be performed solo.

**ANSWER 1:** There is no grace period. If the practical test is not **satisfactorily** completed prior to August 4, 1997 then the applicant must meet the new requirements. The only grace period we permitted is addressed in §141.53(c) but that is only for applicants who performed their training under a Part 141 approved school curriculum. §141.53(c) states:

“(c) Training courses.

(1) A training course submitted for approval prior to August 4, 1997 shall, if approved, retain that approval until 1 year after August 4, 1997.”

{q&a-40}

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**QUESTION 1.** 61.129 (c)(3)(i). If the 10 hours of instrument instruction required for the commercial helicopter certificate is completed in a helicopter, can this training be given by a helicopter CFI that does not possess a rotorcraft helicopter instrument rating? I am aware that it does not take a CFII to give this training, but does the CFI need to have an instrument rating?

**ANSWER 1:** It has to be given by a holder of a Flight Instructor Certificate with a Helicopter-Instrument rating (and the instrument rating must be on the flight instructor certificate). See §61.1(b)(2)(ii) for the definition of an Authorized Instructor which states " . . . in accordance with the privileges and limitations of his or her flight instructor certificate." And look at §61.1(b)(10) for the definition of Instrument Training which states " . . . received from an authorized instructor . . . " As a result of those two definitions, AFS-840 has determined our policy requires the "instrument training," required in §61.129, must be given by a helicopter CFII.

**QUESTION 2.** 61.129 (c)(3)(i) and (ii). Can the one cross country flight of at least 2 hours include landings at more than one point, as long as one of the legs is at least more than 50 nautical miles?

**ANSWER 2:** We assume you mean §61.129(c)(ii) and (iii) and not (i) and (ii). The answer is yes to your question. Just like the rule says " . . . of at least 2 hours in . . . " Therefore, the flight can be made to the North Pole and back, just as long as the flight consists " . . . of a total straight line distance of more than 50 nautical miles from the original point of departure."

{q&a-66}

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**QUESTION** Taking into consideration the definition of "Training Time," this paragraph DOES mean 10 hours of dual instruction in a complex airplane, NOT 10 hours of flight instruction and practice as noted in the old 61. Am I correct??

**ANSWER** It means dual instruction as stated, "10 hours of training in a multiengine airplane that has a retractable landing gear, flaps, and controllable pitch propeller, or is turbine powered or for an applicant seeking a multiengine seaplane, 10 hours of training in a multiengine seaplane that has flaps and a controllable pitch propeller." Also read §61.1(b)(15) reference "training time."

{q&a-27}

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**QUESTION** -6. Must the solo X/C described in 61.129(a)(4) be as "sole occupant" as defined in 61.51(d) --i.e., alone in the aircraft? Suppose a person did a X/C trip as a PVT that fulfills the rule in every other respect, except s/he was carrying non-pilot passengers --his/her children, for example. Wasn't that pilot "alone" for all practical purposes (decision-making, flight planning and execution, etc.). Mightn't it be argued that such experience is actually MORE valuable than being physically alone in the airplane, since it adds to the mix elements of responsibility and pressure --and the implied the ability to manage those factors-- that wouldn't otherwise be there?

**ANSWER-6:** [§61.129(a)(4) It says "SOLO" and we intended it to be "SOLO." So if a person has his or her grandmother, brothers, aunts, or uncles on board, he was not solo. IT HAS TO BE DONE SOLO

{q&a-8}

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**QUESTION:** 61.129(a)(4) Aeronautical Experience for the Commercial Pilot Certificate states that "10 hours as solo flight in a single-engine..." is required. In the past "solo" flight was not required at the commercial level. The Preamble states on page 73 that "...HAI objects to the requirements in proposed 61.129(a)(4)...for supervised PILOT IN COMMAND on the areas of operation listed in 61.127." **QUESTION:** Does a Private Pilot need to be the "sole occupant" in the airplane to meet the requirements of 61.129(a)(4), or can they carry passengers which the preamble seems to imply by the wording "pilot in command".

**ANSWER:** §61.129(a)(4) says solo and we intended it to say "solo." As it relates to §61.129(a)(4), no the person CANNOT take a non pilot person along on the flight.

{q&a-53}

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**QUESTION-9.** FAR 61.129(a)(2)(ii) and (b)(2)(ii) requires 50 hours X/C in airplanes. I have since learned that this is an error (should read 10 hours, and that a correction will be issued. In the interim, can we get something by official memorandum to show examiners so that we can keep going until the next amendment comes out? [This is hot.]

**ANSWER-9:** As of the Correction Document, §61.129(a)(2)(ii) now reads "50 hours in cross country flight of which at least 10 hours must be in airplanes."

and

§61.129(b)(2)(ii) now reads "50 hours in cross country flight of which at least 10 hours must be in airplanes."

{q&a-8}

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**QUESTION:**.. Could training be done for the commercial in a multiengine to meet complex airplane training requirement of 61. 129,

**ANSWER:** **YES,** BUT 61.123 (g) says for the test must be appropriate to category and class sought. Since 4 Aug, the applicant must use a complex single engine for the commercial single engine test. No more multiengine Jets for the test?

{q&a-86}

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**QUESTION** 1. FAR 61.129(a)(3)(ii) requires "10 hours of training in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller..."

Old FAR 61.129(b)(1)(ii) reads "10 hours of flight instruction and practice given by an authorized flight instructor in an airplane having a retractable landing gear, flaps and a controllable pitch propeller..."

I believe the current interpretation is that you must have 10 hours in a complex aircraft, but not all of it has to be instruction. The new Part 61 requires "10 hours of training..." and thus appears to be different from the old requirements. Could you confirm whether this is a change from present interpretations?

**ANSWER** 1: The new §61.129(a)(3)(ii) requires "10 hours of training in an airplane . . ." Yes, all of it has to be from an authorized instructor; or to say it in the old way, it must be DUAL INSTRUCTION. Yes, the new rule changes the past policy.

{q&a-71}

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**QUESTION** 1: For an applicant for a commercial pilot certificate with an airplane single engine rating, the new §61.129(a)(3)(ii) requires "10 hours of training in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller . . ." Does all 10 hours of training require that it be dual instruction?

**ANSWER** 1: Yes it is training given from an authorized instructor; per §61.129(a)(3)(ii) and paragraph (a)(3) SAYS "20 hours of training . . ." and subparagraph (ii) is structured as a part of paragraph (a)(3). Yes, it requires the training to be given from a holder of a CFI-ASE rating

**QUESTION** 5: Per §61.129(c)(3)(i), what are the minimum instrument equipment required for the instrument training and the practical test required for a commercial pilot certificate with a helicopter rating? Could the navigation equipment be a hand held VOR radio? Could the navigation equipment be a hand held GPS radio?

**ANSWER 5:** The “instrument” training and “instrument” tasks to be tested on the practical test for a commercial pilot certificate with a helicopter rating are addressed on page 1-19 of the Commercial Pilot-Helicopter PTS are the tasks to be tested are as follows: Knowledge of the elements related to navigation systems and ATC radar services; Selects and identifies the appropriate navigation system/facility; Locates the aircraft’s position using radial, bearings, or coordinates; Intercepts and tracks a given radial or bearing; Recognizes and describes the indication of station passage; Recognizes signal loss and takes appropriate action; Utilizes proper communication procedures when utilizing ATC radar services; Maintains the appropriate altitude within  $\pm 100$  feet and heading  $\pm 10$  degrees; Knowledge of the elements related to procedures for diversion; Knowledge of the elements related to lost procedures; Uses available navigation aids or contacts an appropriate facility for assistance; and Plans a precautionary landing if deteriorating visibility and/or fuel exhaustion is imminent.

Therefore the minimum instrument equipment are for daytime instrument training, the aircraft’s minimum **flight** instruments and equipment requirements may be as simple as the instruments requirements of §91.205(b) with a portable communication radio, and a portable VOR navigation radio or some other kind of navigation radio in the aircraft. If instrument training and tasks were for a commercial pilot certificate with a helicopter rating then the instrument equipment requirements may be as a minimum: an airspeed indicator, altimeter, magnetic compass, a portable communication radio, and a portable navigation radio. But as far as the minimum instrument equipment for the instrument training for the Commercial Pilot-ASEL, Commercial Pilot-AMEL, and Commercial Pilot-Powered Lift certificate and ratings are the same as it is for the Commercial Pilot-Rotorcraft Helicopter certificate and rating. There is no rule that requires the navigation radio to be permanently installed so the radios may be hand-held. I have reviewed this matter with AIR-100 and AFS-400 and there are no rules requiring the radios to be permanently installed for this kind of training and testing. Now if we’re talking about real IFR flight operations, then the instrument equipment and instruments of §91.205(d) apply.

**QUESTION 6:** Per §61.129(b)(4) for a Commercial Pilot Certificate with an airplane multiengine land rating where it states “10 hours of flight time performing the duties of pilot in command in a multiengine airplane with an authorized instructor on the areas of operation listed in §61.127(b)(2) of this part, which includes at least-- . . .”

and

and per Appendix D of Part 141 [i.e., paragraph 5.(b)] for a Commercial Pilot Certificate with an airplane multiengine land rating where it states “10 hours of flight training in a multiengine airplane performing the functions of pilot in command while under the supervision of a certificated flight instructor. . .”

Can the applicant and the flight instructor both log it as PIC time?

**ANSWER 6:** Yes, both the applicant and the flight instructor can log it as PIC time. The applicant can log it as PIC time because of the wording of §61.51(e)(1)(ii) (e.g., “. . . or the



regulations under which the flight is conducted) and the flight instructor can log PIC time because of the wording of §61.51(e)(3) (e.g., “. . .(3) An authorized instructor may log as pilot-in-command time all flight time while acting as an authorized instructor.”) And to further clarify this matter, we are in the process of drafting a minor correction to §61.129(b)(2) to make it PERFECTLY CLEAR! That correction should be out in the Federal Register sometime in early 1998.

{q&a-73}

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**QUESTION 5:** A student who holds a Private Pilot, ASEL Certificate is training for the Commercial Pilot, Airplane Single Engine Land, desires to use a multi-engine airplane for the complex portion of the training and testing. The preamble for 61.129 states that "For airplanes, the FAA specified that the complex airplane requirements must be class-specific,\_" . I do not find these words in 61.129. Could you please clarify this.

**ANSWER 5:** In §61.129(a)(3)(ii), it just says ". . . in an airplane that has a retractable landing gear, flaps, and a controllable pitch propeller, or is . . ." The applicant can use a multiengine airplane that is complex. However, if the applicant had been going the other way for a multiengine airplane rating, read §61.129(b)(3)(ii) very carefully. Then it would have to be in a multiengine airplane that was complex.

{q&a-74}

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**QUESTION 1:** Is 20 hours required to meet 61.129(b)(3) and an additional 10 hours to meet 61.129(b)(4) requirements? Or can the 10 hours performing duties as PIC in AMEL be acquired while meeting the 61.129(b)(3) -- 2 hours VFR day or night x/c or getting the instrument training?

**ANSWER 1:** A total of 30 hours is required. 61.129(b)(3) and 61.129(b)(4) are separate requirements and cannot be combined.

{q&a-60}

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**QUESTION 3:** Given an applicant that holds a Commercial - rotorcraft, helicopter with Private - Airplane, SEL. The applicant wishes to obtain Commercial in the ASEL.

Dose 61.63(b) apply? Then for 61.63(b)(1) we go to 61.129(a) for such things as: 50 hours in airplanes, 10 hours x/c in airplanes, 5 hours instrument training in airplanes, etc?

**ANSWER 3:** YES, 61.63(b) does apply, and YES the category requirements of 61.129 apply.

{q&a-60}

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**QUESTION 16:** For the flight(s) required by 61.129(b)(4) is both the person performing the duties of PIC and the instructor logging PIC?

**ANSWER 16: YES. The instructor per 61.51(e)(3); the other pilot per 61.51(e)(1)(ii) as required by 61.129(b)(4).**

{q&a-60}

**QUESTION 19:** Is the 61.129 (a)(3)(i); (b)(3)(i), etc. a requirement that “instrument training” be provided by a CFII rather than a CFI?

**ANSWER 19: YES**

{q&a-60}

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**QUESTION 1:** New FAR 61.129(a)(4)(i) appears to require a solo cross-country flight of not less than 300 NM. The existing requirement [ref: FAR 61.129(b)(3)(ii)] requires PIC time...not solo. I recall you mentioning this in one of our conversations and I believe you indicated that this would be changed in the upcoming corrections document. Was it your intention to require solo time instead of PIC and will this issue be address in the corrections document?

**ANSWER 1:** It is solo time. Yes, we intended to have the pilot solo.

{q&a-10}

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**QUESTION:** I am having trouble deciphering the required total time, dual time, and solo time for applicants for commercial pilot-glider ratings?

**ANSWER:** The answer is for the commercial pilot glider applicant is covered by the corrected §61.129(f) which states:

(f) For a glider rating. A person who applies for a commercial pilot certificate with a glider category rating must log at least:

(1) 25 hours as a pilot in gliders and 100 flights in gliders as pilot in command which includes at least —

(i) 3 hours of flight training or 10 training flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part;

(ii) 2 hours of solo flight that includes not less than 10 solo flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part; and

(iii) Three training flights in preparation for the practical test within the 60-day period preceding the date of the test; or

(2) 200 hours of flight time as a pilot in heavier-than-air aircraft, and 20 flights in gliders as pilot in command, which includes at least—

(i) 3 hours of flight training or 10 training flights on the areas of operation listed in § 61.127(b)(6) of this part;

(ii) Five solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part; and

(iii) Three training flights in preparation for the practical test within the 60-day period preceding the date of the test.

Otherwise in simple terms paragraph (f)(1) requires for commercial pilot applicants to **have** logged at least:

1. 25 hours as a pilot in gliders and 100 flights in gliders as pilot in command which includes at least 3 hours of flight training or 10 training flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part that includes--

- a. 3 training flights in preparation for the practical test within the 60-day period preceding the date of the test; and
- b. 2 hours of solo flight that includes not less than 10 solo flights in gliders on the areas of operation listed in § 61.127(b)(6) of this part.

or

Otherwise in simple terms paragraph (f)(2) requires for commercial pilot applicants to **have** logged at least:

2. 200 hours of flight time as a pilot in heavier-than-air aircraft, and 20 flights in gliders as pilot in command, which includes at least 3 hours of flight training or 10 training flights on the areas of operation listed in § 61.127(b)(6) of this part that includes--

- a. 3 training flights in preparation for the practical test within the 60-day period preceding the date of the test; and
- b. 5 solo flights in a glider on the areas of operation listed in § 61.127(b)(6) of this part.

{q&a-35}

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**QUESTION:** A Commercial Pilot with Helicopter/Instrument Ratings only, wants to add Airplane-Multiengine to his Commercial certificate. Does the applicant need to meet all the requirements of 61.129 (b) or just the "training" areas of operation listed in 61.127 (b) (2)?

**ANSWER:** Per §61.63(b)(1), "Must have received the required training and possess the aeronautical experience prescribed by this part that applies to the pilot certificate for the aircraft category and, if applicable class rating sought;"

To address your example, you have an applicant who holds a Commercial Pilot Certificate with a helicopter rating. The applicant now wants to add an AMEL rating at the commercial pilot level. So in accordance with §61.63(b)(1) [i.e., ". . . required training and possess the aeronautical experience prescribed . . ." you'd go to §61.129(b) and accomplish ". . . the aeronautical experience and training. . ." that apply to the airplane multiengine rating. We've summarized the requirements and this is how you'd read the intent of §61.63(b)(1):

- 250 hours of flight time as a pilot with 50 hours in airplanes
- 100 hours of PIC flight time that includes 50 hours in airplanes & 50 hours in cross country of which at least 10 hours must be in airplanes
- 20 hours of dual training on §61.127(b)(2) that includes: 5 hours instrument training in a multiengine airplane; 10 hours in a complex multiengine airplane; One 2-hour day VFR x-c in a multiengine airplane; One 2-hour night VFR x-c in a multiengine airplane; and 3 hours in a multiengine in prep for the practical test.

-10 hours of flight time in a multiengine airplane performing PIC duties that includes: One (at least) 300 NM x-c flight in a multiengine airplane to a point more than 250 NM from original departure and three landings; and 5 hours in a multiengine airplane under night VFR with 10 takeoffs and landings at a towered airport.

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## 61.131

**QUESTION** The question comes from Alaska..... The new night restriction for Alaska. Does the one year time frame for completing the required training apply to those pilots certificated prior to August 4, 97?

**ANSWER** 1: If the person's certificate was issued prior to August 4, 1997 with the "Night Flying Prohibited" limitation then we cannot go back and force that person to get the training.

**QUESTION** For those certificated after August 4, with the restriction "night flying prohibited" placed on their certificate, just what does happen at the end of the one year when the pilot has not completed the required training to remove the restriction?

**ANSWER:** Just like the rule (i.e., §§61.110 and 61.131) says ". . . become invalid for use." So if anybody with a certificate issued on or after August 4, 1997 (emphasis added on or after August 4, 1997) that has the "Night Flying Prohibited" limitation then just like the rule says ". . . become invalid for use."

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**QUESTION:** A fully qualified private pilot became an Alaska resident in early spring and completed the requirements that summer for a commercial certificate. However, he only had 2 hours night solo flight time and did not meet the 61.129(a)(4)(ii) requirement of 5 hours night solo. His new commercial certificate has a NIGHT FLYING PROHIBITED limitation. Is it true and right that he has lost night flying privileges he has as a private pilot?

**ANSWER:** The answer is addressed in §61.131. The person sought a commercial pilot certificate, but didn't accomplish the commercial pilot night flight aeronautical experience. As per §61.131, he gets the "Night Flying Prohibited" placed on the certificate. We realize some will argue that the applicant didn't have it before when he held only a private pilot certificate. Well he didn't accomplish the commercial pilot aeronautical experience on night flying, So he gets the "Night Flying Prohibited" placed on his commercial pilot certificate.

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## 61.153

**QUESTION:** A former rated military pilot who never got around to taking the military competency test to receive his commercial certificate and instrument rating is no longer in the military, but has been flying public use aircraft for several years. He now wants to apply for an ATP certificate. He has recency of experience, but not in military service and aircraft. What are the requirements?

**ANSWER:** This pilot, as described, passed up the opportunity to seek a commercial certificate and instrument rating as provided in §61.73 (b)(3)(i) as a rated military pilot on active flying status in an armed force of the United States at any time during the 12 calendar months before the month of application —

Unfortunately, it appears that he also passed up the opportunity to apply for an ATP certificate while he could have qualified as a military pilot or “former” military pilot as allowed in §61.153(d)(2). He is no longer a military pilot who has not been on active flying status (a “former” military pilot) and can not meet the requirement of §61.73(c)(2).

(c) Military pilots not on active flying status during the 12 calendar months before the month of application. A rated military pilot or former rated military pilot who has not been on active flying status within the 12 calendar months before the month of application must:

(1) Pass the appropriate knowledge and practical tests prescribed in this part for the certificate or rating sought; and

(2) Present documentation showing that the applicant was, before the beginning of the 12th calendar month before the month of application, a rated military pilot as prescribed by paragraph (b)(3)(i) or paragraph (b)(3)(ii) of this section.

As a result this pilot must meet the requirements of 14 CFR Part 61 as would any other non-military pilot. That is, hold a Commercial pilot certificate and instrument rating to be eligible for an Airline Transport Pilot certificate. If this pilot does not hold a Private pilot certificate, that certificate must also be obtained to be eligible for a Commercial pilot certificate.

It is regretful that inconvenience and additional expense may be involved for this pilot, but the §61.73 avenues of using military experience were available and unused. Note the difference in the situations in #43 & 73 {q&a-43 & 73}. These pilots are still in the military.  
{q&a-133}

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**QUESTION** Our office received a call from one of our examiners that basically asked: A pilot has a Commercial Certificate with ASEL & Instrument Airplane ratings. Is he eligible to take an ATP checkride for an AMEL class rating?

**ANSWER** In answer to your question, review §61.153(d)(1). It doesn't require him to hold a Commercial Pilot Certificate with an multiengine rating. It says a "Commercial Pilot Certificate and an instrument rating."

**QUESTION** Secondly, if eligible, would this circumstance require an endorsement from a CFI on the 8710?

**ANSWER** Your second question, no it does not require a flight instructor's endorsement on FAA Form 8710-1. The only endorsement is addressed in §61.157(b)(2) and that says "logbook endorsement."

{q&a-32}

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**QUESTION:** Last week I received a call from BHM FSDO. They have a Saudi with a Saudi commercial helicopter and instrument. He wants a US ATP helicopter. I told him last week that he could take the written and practical. (no problem). Now, he called back this morning and said that he just discovered that the Saudi's certificates were not current!! Reading the rule real carefully, I can't find where it says that his certificates need to be current.

**ANSWER:** Even though the Saudi's pilot certificate are not current, §61.153(d)(3) does not require it to be current or valid or reasonable, etc., etc., etc. In fact I heard we lost a court case in the Eastern Region on that very same matter. I told AGC I didn't change the wording from the way it has been worded for 60 years because during our regulatory review it was never brought to my attention that it was a problem.

{q&a-84}

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**QUESTION 12:** Situation is that I have a military pilot, who is eligible for applying for an ATP certificate in accordance with §61.153(d)(2). However, the applicant does not hold a commercial pilot certificate nor has the military pilot ever taken the military comp knowledge test. Does the applicant have to take and pass the military comp knowledge test first before taking the ATP knowledge test?

**ANSWER 12:** No the military pilot does need to take and pass the military comp test first. Just like §61.153(d)(2) says:

“(d) Meet at least one of the following requirements:

\* \* \* \* \*

(2) Meet the military experience requirements under § 61.73 of this part to qualify for a commercial pilot certificate, and an instrument rating if the person is a rated military pilot or former rated military pilot of an Armed Force of the United States; or”

In this situation, the military pilot only needs to take and passes the ATP knowledge test and then pass the ATP practical test.

{q&a-73}

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**QUESTION 5:** Given: pilot holds Commercial certificate - helicopter and has Private pilot privileges in airplane SEL & instrument airplane. The pilot wants to apply for an ATP in SEL. Is the pilot eligible in spite of never having been tested in airplane commercial maneuvers -- lazy 8, etc.?

**ANSWER 5: YES, per 61.153(d)(1), but the applicant must meet all the appropriate experience requirements of 61.159 for category and class.**

{q&a-60}

**QUESTION:** An airman has asked if he can take the ATP knowledge test without a commercial/instrument certificate. In reviewing 61.153, 61.155, 61.35, the preambles (61-102 & 61-103) and AFS-630, it is not clear to me. Could you please tell me all of the prerequisites for taking the ATP knowledge test?

**ANSWER:** There is no eligibility prerequisites for the ATP knowledge test. The only prerequisites are addressed in §61.35. And for the ATP knowledge test, there is NO endorsement requirements. Let the person take the knowledge test.

{q&a-58}

## 61.157

**QUESTION 1:** The situation is an applicant wants a DC-3 type rating. The DC-3 airplane that the person wants to use for the practical test is not capable of instrument flight. As for example, the airplane does not have the capability of performing a precision instrument approach because it lacks the ILS equipment. Can the applicant perform the practical test in this DC-3 airplane for seeking an ATP certificate with an airplane multiengine land rating and a DC-3 type rating?

**ANSWER 1:** NO, Ref. §61.157(b)(3); you cannot perform the practical test to OBTAIN an ATP certificate in the airplane described because the aircraft's type certificate must be the reason for what "... makes the aircraft incapable of operating under instrument flight rules. ..." §61.157(b)(3) states:

(3) Must perform the practical test in actual or simulated instrument conditions, unless the practical test cannot be accomplished under instrument flight rules because the **aircraft's type certificate makes the aircraft incapable of operating under instrument flight rules**. If the practical test cannot be accomplished for this reason, the person may obtain a type rating limited to "VFR only." The "VFR only" limitation may be removed for that aircraft type when the person passes the practical test under instrument flight rules.

However, you can take the practical test at the commercial or private pilot certificate level, because of how §61.63(h) reads. The reason the applicant can perform the practical test at the private or commercial pilot level is because the airplane "... is not capable of the instrument maneuvers and procedures required by the appropriate requirements contained in §61.157 of this part." Section 61.63(h) states:

(h) Aircraft not capable of instrument maneuvers and procedures. **An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and**

**procedures** required by the appropriate requirements contained in § 61.157 of this part for the practical test may--

- (1) Obtain a type rating limited to "VFR only"; and
- (2) Remove the "VFR only" limitation for each aircraft type in which the applicant demonstrates compliance with the appropriate instrument requirements contained in § 61.157 or § 61.73 of this part.

Notice the difference in the wording of §61.63(h) vs. §61.157(b)(3):

§61.63(h): "... applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures . . ."

vs.

§61.157(b)(3): "... aircraft's type certificate makes the aircraft incapable of operating under instrument flight rules . . ."

**QUESTION 2:** An applicant is applying for an ATP certificate with an airplane multiengine land rating. The person currently holds the following certificate and ratings:

Commercial Pilot  
Airplane Single and Multiengine Land  
DC-3 (Limited to VFR)

This person satisfactorily accomplishes the ATP practical test in a Cessna 402. What will the person's ATP certificate read like?

**ANSWER 2:** Ref. §61.157(d); The certificate will read as follows:

Airline Transport Pilot  
Airplane Multiengine Land  
DC3 (Limited to VFR)  
Commercial Pilot Privileges  
Airplane Single Engine Land

§61.157(d) reads as follows:

(d) Upgrading type ratings. Any type rating(s) on the pilot certificate of an applicant who successfully completes an airline transport pilot practical test shall be included on the airline transport pilot certificate with the privileges and limitations of the airline transport pilot certificate, provided the applicant passes the practical test in the same category and class of aircraft for which the applicant holds the type rating(s). However, if a type rating for that category and class of aircraft on the superseded pilot certificate is limited to VFR, that limitation shall be carried forward to the person's airline transport pilot certificate level.



**QUESTION 3:** A person holds the following certificate and ratings:

Airline Transport Pilot  
Airplane Multiengine Land  
DC-3 (Limited to VFR)

Can the person perform a §61.58 check in a DC-3 that is not capable of the instrument maneuvers and procedures?

**ANSWER 3:** Ref. §61.58(d)(1); The rule does not prevent it.

**QUESTION 4:** Similar question, but slightly different in that a person holds the following certificate and ratings:

Airline Transport Pilot  
Airplane Multiengine Land  
DC-3  
Commercial Privileges  
Airplane Single Engine Land

In this question, the person holds a DC-3 type rating at the ATP level and it was earned by accomplishing the practical test by performing the required instrument maneuvers and procedures. The situation is the person has to perform a §61.58 check in a DC-3 that is not capable of performing instrument maneuvers and procedures. The only DC-3 airplane the person has access to lacks the ILS equipment. Can the person perform a §61.58 check in a DC-3 that is not capable of the instrument maneuvers and procedures?

**ANSWER 4:** Ref. §61.58(d)(1); The rule does not prevent it. However, the PPE would need to limit the applicant to VFR only by making that limitation known in the person's logbook and on the practical test results record.

**QUESTION 5:** An applicant is applying for a DC3 type rating in a DC3 airplane that is “. . . not capable of the instrument maneuvers and procedures . . .” The person currently holds the following certificate and ratings:

Airline Transport Pilot  
Airplane Multiengine Land  
B737

Can this person take the practical test and add that rating at the ATP level? What will the person's ATP certificate read like?

**ANSWER 5:** Ref. §61.63(h); Yes, because the applicant is not attempting to obtain his INITIAL ATP certificate and rating practical test in an aircraft that is not capable of instrument maneuvers and procedures. The certificate will read as follows:

Airline Transport Pilot  
Airplane Multiengine Land  
B737, DC-3 (Limited to VFR)

Section 61.63(h) states:

(h) Aircraft not capable of instrument maneuvers and procedures. **An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures** required by the appropriate requirements contained in § 61.157 of this part for the practical test may--

(1) Obtain a type rating limited to "VFR only"; and

(2) Remove the "VFR only" limitation for each aircraft type in which the applicant demonstrates compliance with the appropriate instrument requirements contained in § 61.157 or § 61.73 of this part.

{q&a-144}

**QUESTION: Reference 61.157(f).** There is suddenly a huge dispute about the required maneuvers for an ATP/Type Rating candidate employed by a 121 carrier.

The former Part 61 appendix A allowed individuals who are employed by 121 carriers to obtain type ratings without doing circling approaches if the carrier does not do them. Additionally, FAA Order 8400.1, Volume 5 expands these waiver provisions to allow a number of other maneuvers to be waived if the carrier does not train/conduct them.

The simple question is, are they required now, after decades of not being required, or not?

**ANSWER:** As you know from our last meeting John, a joint general, commercial, and air carrier handbook bulletin is to be issued shortly on this subject and help all who labor under the demise of CFR 14 Part 61, Appendix A.

Withstanding the loss of Appendix A, Part 61 now recognizes the 121.441 proficiency check as being creditable for the ATP certificate and added ratings to the certificate. Therefore Part 121, Appendix F provides the requirements for the check. Appendix F also provides the guidance for waiver authority. For all Maneuvers/Procedures that can be waived, Appendix E nevertheless requires training to proficiency.

The circling approach is unique because training and checking is not required if the certificate holders manual prohibits a circling approach in weather conditions below 1000-3 (ceiling and visibility). If the maneuver is flown to weather minimums below 1,000' and 3 statute miles, the training is required and must be checked IAW Appendix F. For crewmembers qualified to fly the circling maneuver below 1,000' and 3 statute miles, the maneuver can be waived if local condition

beyond the control of the pilot prevent the maneuver. However the maneuver must be checked during the next proficiency check.

Author: Jan Demuth at AFS200

{q&a-79}

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**QUESTION:** In the old Part 61, Part 121 pilots were permitted to accomplish ATP/type rating checks in flight simulators. The new §61.157(g)(2) seems to prevent it? How do we deal with the strict criteria identified in §61.157(g)(2) or can we get around it? Are the use of flight simulators in the new Part 61 only permitted through the use of Part 142 training centers?

The new §61.157(g)(2) states:

(2) The flight simulator and flight training device must be used in accordance with an approved course at a training center certificated under part 142 of this chapter.

**ANSWER:** Approval and use of flight simulators and flight training devices for part 121 pilots are approved under Part 121. Approval of flight training devices and flight simulators for Part 121 air carrier pilot's are approved under §121.407 and authority for there use is addressed in §121.409. In enforcing §61.157, only paragraph (f) really apply to part 121 and part 135 pilots. The remainder of §61.157 only applies to those pilots not in an approved air carrier training and testing programs. We agree we could have written it better, and in the next correction document that will be coming out in December, we have made myself a note to revise §61.157(g)(2).

{q&a-39}

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**QUESTION:** Many part 121 air carriers do not train their pilots for IMC circling approaches and therefore the operation specifications do not allow them to accomplish them. Under the old Part 61 of Appendix A, there were provisions to waive the circling approach. However after August 4, 1997 under the new rules Appendix A of Part 61 is eliminated and the PTS doesn't make provisions for waiving the circling approach. Will the new Part 61 in effect require circling approaches?

**ANSWER:** In answer to your question, air carrier pilots who do not have circling approaches on their op spec's are not required to be trained or tested on circling approaches.

§61.157(j) states: (j) Waiver authority. Unless the Administrator requires certain or all tasks to be performed, the examiner who conducts the practical test for an airline transport pilot certificate may waive any of the tasks for which the Administrator approves waiver authority.

Appendix E [i.e., III(n) after (3)] of Part 121 states, in pertinent part, "Training in the circling approach maneuver is **not required** for a pilot employed by a certificate holder subject to the operating rules of Part 121 of this chapter if the certificate holder's manual prohibits . . ."

Appendix F [i.e., III, (d)] of Part 121 states, in pertinent part, "(d) Circling approaches. If the circling approach is approved for circling minimums . . ." And in Appendix F, circling approaches are notated with a waiver authority of §121.441(d).

§121.441(d) states, in pertinent part, “A person giving a proficiency check may, in his discretion, waive any of the maneuvers or procedures for which a specific waiver authority is set forth in appendix F to this part if . . . .”

**This answer comes via Tom Toula, Manager AFS-210**

{ Q&A-39 }

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**QUESTION** 61.157(f) allows a successful PC check under 121 or 135 to meet the requirements for a type rating, given that all required maneuvers are completed.

14 CFR Part 121.441(e) provides that during a PC check, if the pilot being tested fails any of the required maneuvers, the check airman has the authority to discontinue the check, give additional training, and begin the check again. The result is that even though the pilot failed a maneuver or two during the check, he or she still passes the check.

Contrast this with 14 CFR Part 61.43 which states that the applicant for a type rating must demonstrate mastery of the aircraft with the successful outcome of each task performed never seriously in doubt; and that if an applicant fails any area of operation, that applicant fails the practical test.

There appears to be a conflict between these regulations should the carrier wish to press the issue. For example, Inspector A observes check airman B giving pilot C a proficiency check in a 727 for the purpose of B receiving a type rating in the 727.

C fails to perform the correct entry into a holding pattern and check airman B stops the check and gives C additional training on holding patterns. C then successfully demonstrates a holding pattern entry.

Later, C descends below MDA on a circling approach. Again, B discontinues the check and gives C additional instruction on maneuvering at MDA. C then successfully executes a circling maneuver.

At the end of the ride, Inspector A refuses to issue a type rating to C based upon his unsuccessful holding pattern entry and circling approach. Inspector A cites 14 CFR Part 61.43. Both B and C argue

that C should be issued the 727 type rating because he successfully passed the proficiency check in accordance with 14 CFR Part 121.441(e) and 14 CFR part 61.157.

All FAA guidance issued over the years supports 61.43. Nevertheless, with the number of revisions of late, most existing guidance is out of date. Has the FAA changed its position on check rides and type ratings or do we continue to give one chance and any unsatisfactory maneuver means that the check is a "down."

**ANSWER** We really don't think the difference is worth the FAA being concerned about it. We mean the applicant doesn't get the rating until successfully completing "...all maneuvers and procedures required for the issuance of a type rating. . ." The new §61.157(f)(1) states:

"Successful completion of a pilot in command proficiency under §121.441 of this chapter or successful completion of both a competency check, under §135.293 of this chapter, and a pilot in command instrument proficiency check, under §135.297 of this chapter, satisfies the requirements of this section for the appropriate aircraft rating."

As provided by §121.441(e) which states: "... may give additional training to the pilot during the course of the proficiency check. . ."

Therefore, if the applicant is covered by the provisions of §61.157(e)(1) [i.e., §121.441(e)], then yes "the person giving the proficiency check may give additional training to the pilot during the course of the of the proficiency check. . ." It is just a different procedure for conducting the test. But the bottom line, the applicant must successfully complete "... all maneuvers and procedures required . . ."

**COMMENT:** Folks, I agree with the John. Just wanted to be sure that everyone understands that when a PC is used for the purposes of airman certification that the individual conducting the PC is either a qualified FAA inspector or an individual who is both a company check airmen.. the PC requirement, and a qualified designated examiner... the certification requirement.

**Author: Thomas Toulas at AFS200**

{q&a-85}

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**QUESTION** We have done no-flap landings in Lears and other T cat aircraft for years in accordance with the PTS. Are we going to stop doing them in ALL T cat aircraft? What if we do the entire test in the aircraft? Do we now have additional waiver authority that has not been granted anywhere else?

**ANSWER** We keep getting asked questions on this subject or similar matters on this very same subject.

If Order 8400.10 forbids no flap landings, then in accordance with §61.157(j) which states:

"(j) Waiver authority. Unless the Administrator requires certain or all tasks to be performed, the examiner who conducts the practical test for an airline transport pilot certificate may waive any of the tasks for which the Administrator approves waiver authority."

Is there something wrong with the way this rule, §61.157(j), is being understood by you all?

If Order 8400.10 directs that no flap landings shall not be attempted in T Category airplanes, then "the examiner who conducts the practical test for an airline transport certificate may waive any of the tasks . . .," JUST LIKE IT SAYS IN §61.157(j).

{q&a-70}

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## 61.159

**QUESTION:** Is there a discrepancy about endorsements regarding ICAO experience requirements for ATP? There appears to be only one limitation regarding pilot-in-command time, but none regarding total flight experience.

The current reference to Aeronautical Experience, FAR 61.159, doesn't mention anything about PIC time concession with an ICAO endorsement like the "old" FAR 61.155(c) Aeronautical Experience which allowed an ATP applicant with less than 150 hours of PIC time to take the practical test but carry an endorsement that he doesn't meet ICAO PIC experience requirement.

The "old" FAR 61.155(e) also allowed an applicant other concessions regarding the total flight experience requirement with an endorsement that he doesn't meet the pilot experience (not Pilot-In-Command) requirement of ICAO. However, current FAR 61.159(d) continues the total pilot experience concessions that was stated in "old" FAR 61.155(e), but referees to Pilot-In-Command rather than just pilot time as stated in the "old" Reg.

**ANSWER:** Reference §61.159(d), it states:

(d) An applicant may be issued an airline transport pilot certificate with the endorsement, "Holder does not meet the pilot in command aeronautical experience requirements of ICAO," as prescribed by Article 39 of the Convention on International Civil Aviation, if the applicant:

(1) Credits second-in-command or flight-engineer time under paragraph (c) of this section toward the 1,500 hours total flight time requirement of paragraph (a) of this section;

(2) Does not have at least 1,200 hours of flight time as a pilot, including no more than 50 percent of his or her second-in-command time and none of his or her flight-engineer time; and

(3) Otherwise meets the requirements of paragraph (a) of this section.

Therefore, the verbiage of the new §61.159(d) applies. We have new requirements as of August 4, 1997 when the new Part 61 became effective. Disregard the old §61.155(e) because it is irrelevant.

{q&a-109}

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**QUESTION:** Regarding FAR 61.195(c). The confusion arises about the "instrument rating that is appropriate to the category and class of aircraft". What is the intent or meaning here, instrument is not class specific. Seems like it would be enough to say "...must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category of aircraft in which instrument training is being provided."

Perhaps an example would help illustrate the issue. Could an instrument rated instructor (CFII) give instrument instruction in a multiengine airplane if the instructor did not have a multiengine instructor rating or a multiengine rating on their commercial pilot certificate? The traditional answer to this question has been yes...but, make sure you don't get into the realm of multiengine instruction by pulling an engine or doing something else that would require multiengine skills. Has this changed with FAR 61.195(c)?

**ANSWER:** Reference §61.195(c), it states:

(c) Instrument Rating. A flight instructor who provides instrument flight training for the issuance of an instrument rating or a type rating not limited to VFR must hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the **category and class of aircraft** in which instrument training is being provided.

In reference to your specific question, the answer is NO. A person that does not hold an airplane multiengine rating on his pilot and flight instructor certificate shall not give instrument training in a multiengine airplane.

{q&a-111}

**QUESTION 5:** Given: pilot holds Commercial certificate - helicopter and has Private pilot privileges in airplane SEL & instrument airplane. The pilot wants to apply for an ATP in SEL. Is the pilot eligible in spite of never having been tested in airplane commercial maneuvers -- lazy 8, etc.?

**ANSWER 5:** **YES, per 61.153(d)(1), but the applicant must meet all the appropriate experience requirements of 61.159 for category and class.**

{q&a-60}

**QUESTION 1:** A professional flight engineer is seeking to qualify for an ATP certificate and wishes to use his flight engineer time for meeting at least 500 hours of the 1500 total time, as per §61.159(c)(2)(iv). His flight records indicate that he is permitted, in accordance with §61.159(c)(2)(iv), to credit 500 hours of flight engineer time for 500 hours of pilot time for the 1500 total time. But in a further review of his flight records, he shows only 200 hours of cross country time as a pilot and 37 hours of night time as a pilot. He also wants to use his flight engineer time toward meeting the 300 hours of cross country time as a pilot [i.e., §61.159(a)(1)] that he is short on and the 63 hours of night time as a pilot [i.e., §61.159(a)(2)] he is short on. Does §61.159(c)(2)(iv) permit it.

**ANSWER 1:** No; The 500 hours of flight engineer time CAN ONLY BE USED for meeting 500 hours of the 1500 total time of §61.159(a), as per §61.159(c)(2)(iv).

{q&a-75}

**QUESTION:** Can an applicant seeking an ATP Helicopter rating use 29 hours of instrument time that was logged in a flight simulator that is approved and represents a helicopter for meeting the “. . . 25 hours in helicopters as a pilot in command . . .” of §61.161(a)(4)? The applicant has no **flight** hours of instrument time in a helicopter.

**ANSWER:** Yes; The key provisions are shown in bold in excerpts of §61.161(b) and (b)(2):

(b) Training in a flight simulator or flight training device **may be credited toward the instrument flight time requirements of paragraph (a)(4)** of this section, subject to the following:

- (1) Training in a flight simulator or a flight training device must be accomplished in a flight simulator or flight training device that represents a rotorcraft.
- (2) Except as provided in paragraph (b)(3) of this section, an applicant **may receive credit for not more than a total of 25 hours of simulated instrument time** in a flight simulator and flight training device.

Some will argue that this rule, in effect, permits an applicant to apply for an ATP Certificate with a helicopter rating without ever flying 1 minute of instrument **flight** time in a helicopter in the clouds. Yes, you are absolutely 100% correct in your interpretation. The FAA's has a long standing position on the advantages and merits of flight simulation and has since 1984 wholeheartedly supported the use of flight simulation.  
{q&a-80}

## 61.165

**QUESTION:** An applicant who holds an ATP rotorcraft-helicopter and applies for an ATP-airplane multiengine land rating. How many hours in airplanes does the person need?

**ANSWER:** Answer is covered by §61.165(c)(4) which states:

(c) Airplane category rating with a multiengine class rating. A person applying for an airline transport certificate with an airplane category and multiengine class rating who holds an airline transport certificate with another aircraft category rating must:

- (1) Meet the eligibility requirements of § 61.153 of this part;
- (2) Pass a knowledge test on the aeronautical knowledge areas of § 61.155(c) of this part;
- (3) Comply with the requirements in § 61.157(b) of this part, if appropriate;
- (4) **Meet the applicable aeronautical experience requirements of § 61.159 of this part;** and
- (5) Pass the practical test on the areas of operation of § 61.157(e)(2) of this part.

{q&a-34}

## 61.183



**QUESTION:** Can an applicant use an Airplane-multiengine land to demonstrate complex airplane for flight instructor airplane single engine? Wasn't there a letter on file allowing this?

**ANSWER:** Can **NOT** use AMEL for CFI single engine complex demonstration. 61.183 (h) requires category and class. Therefore the applicant must provide a single engine complex airplane. Checked with John, no such letter.  
{q&a-86}

A flight instructor has a student who holds a restricted commercial certificate issued 10 years ago. This student wants to train for a flight instructor certificate. To qualify for a CFI the applicant must hold a commercial or ATP certificate. The regulation does not elaborate on whether the certificate requirement excludes a restricted or special purpose certificate

**QUESTION #2a:** Is the CFI candidate who holds a restricted commercial pilot certificate eligible for a CFI certificate under the new Part 61?

**ANSWER #2a:** Yes he is eligible. Section 61.183(c) states "Hold either a commercial pilot certificate or an airline transport pilot certificate . . ." And according to your message, he holds a commercial pilot certificate.

**QUESTION #2b:** Is the candidate eligible if he holds a special purpose certificate? I know the new Part 61 calls it a "Special Purpose Pilot Authorization" whereas the old Part 61 called it a "Special Purpose Pilot Certificate."

**ANSWER #2b:** Review §61.77(c), as a special purpose pilot certificate issued under the old §61.77(c) or a special purpose pilot authorization issued under the new §61.77(c), that rule which addresses the privileges permitted would prevent the person from using it for meeting the eligibility requirements for gaining a flight instructor certificate.  
{q&a-78}

## 61.193

**QUESTION:** Can a CFI (not holding instrument instructor rating) teach an instrument ground school?

**ANSWER:** No. Ref. §61.193; A holder of a flight instructor certificate that does not have instrument privileges on his or her flight instructor certificate may not ". . . give training and endorsements that are required for, and relate to:. . [per §61.193(f)]. an instrument rating. . ." {q&a-145}

## 61.195

**QUESTION:** A flight instructor in our district wants to know if he needs an airplane/single-engine sea rating in order to give instrument instruction in a Lake Buccaneer amphibian. There is some debate here in our office. I cite §61.195(c) as making it a requirement for the instructor to hold an airplane/single-engine sea. Can you shed some light on this for us?

**ANSWER:** Reference §61.195(c). **YES;** As it states in §61.195(c), “. . . hold an instrument rating on his or her flight instructor certificate and pilot certificate that is appropriate to the category and CLASS OF AIRCRAFT in which instrument training is being provided.” **YES,** a flight instructor would have to hold an airplane single engine sea rating on his or her pilot certificate.

Some of you may have seen some of the past policy interpretations on this kind of question, but §61.195(c) got changed on August 4, 1997 so those policy interpretations are no longer valid. The new §61.195(c) applies. As per §61.195(c), a person would have to hold an airplane single engine sea rating on his or her pilot certificate.  
{q&a-119}

## 61.197

**QUESTION:** We just wanted to bring to your attention that one of our pilot examiners added a rating to a CFI and renewed the applicant for an additional two years beyond his Jan 2000 renewal month which put his expiration date to Jan 2002 (he apparently just received his initial CFI in Jan 98). Our POI asked him why and he said because the Pilot Examiner handout and §61.197(a) told him that he could do that and sure enough, it literally does say that in the handout and in 61.197 (a).

We told him to stop interpreting it that way, but maybe there are others who are doing the same thing. If we are wrong on this issue, could you let us know?

**ANSWER:** Reference §61.197(b). You are not wrong. The applicant's flight instructor certificate cannot be renewed for 48 months. The complete regulation quote would have included 61.197(b) that specifies the **“within the 90 days preceding the expiration month”** window.” The examiner either did not read far enough or his understanding of §61.197(b)(2) is not correct. Additionally, the handout that was part of the basis for this question was not intended to be the complete regulation, but made for pointing out where changes have occurred..

In answer to this question, let me use the following example: A person's flight instructor certificate expires on May 31, 1998 but that person accomplished one of the renewal procedures of §61.197(a) on February 24, 1998. You may ask do these dates fall within the **“within the 90 days preceding the expiration month”** provision in the new §61.197?

The answer is yes the completion date fell within the “90 day window.” The new §61.197(b) states:

(b) If a person accomplishes the renewal requirements of paragraph (a)(1) or (a)(2) of this section **within the 90 days preceding the expiration month** of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be **renewed for an additional 24 calendar months from its expiration date.**

Therefore as an example, a person successfully completes a FIRC “within the 90 days preceding the expiration month of his or her flight instructor certificate.” And further, that person’s flight instructor certificate was to expire on May 31, 1998. In computing the “90 day window” provisions of §61.197, that person may complete the FIRC [and really any of the renewal provisions of §61.197(a)] on or after January 31, 1998 and have their certificate renewed for an additional 24 calendar months with a new expiration date being May 31, 2000. Otherwise, you compute the 90 days from the 1st day of the expiration month and go backward 90 days. Therefore, a person's flight instructor certificate that expires on May 31, 1998, you compute the 90 days from May 1, 1998 date which when counting backwards falls on the date of January 31, 1998. January 31, 1998 is also the earliest date that a person may complete the clinic and be afforded the “90 day window” relief provided in §61.197. In reality when actually counting 90 days backwards, the “90 day window” provisions of §61.197 is actually a 120-day window. You compute the “90 day window” backward from the first day of the expiration month of the certificate, not the last day of the expiration month.

For your information, an additional clarification change to §61.197 is coming in an upcoming final rule correction. In response to FAA management’s desires, I have been directed to change §61.197 back to permitting a person to complete an approved flight instructor refresher clinic (FIRC) to renew their certificate, even if it was not completed within the “90 day window” but the new rule will still require that the flight instructor certificate to not have expired. As an example, the clarification change will permit a person who wants to attend a FIRC once a year, once a month, or once a week will be permitted to do so and be given a new expiration date.

{q&a-121}

**QUESTION 4:** The way §61.197 [i.e., §61.197(a)] is worded it does not appear that it allows for a flight instructor to renew with FIRC except 90 days prior. Meaning if a flight instructor wants to renew every year, he could not do it. I believe you need a provision added to §61.197(a)(1) as a new (iii). You could do that under the existing §61.197, did you mean to stop that practice?

**ANSWER 4:** No, we did not intend to stop that practice.

We will revise §61.197 and add a new (a)(3) to read as follows:

(a) A person who holds a flight instructor certificate that has not expired may renew that certificate for an additional 24 calendar months if the holder:

- (1) Passes a practical test for renewal of the flight instructor certificate;
- (2) Passes a practical test for an additional flight instructor rating; or

**(3) Has a graduation certificate that proves successful completion of an approved flight instructor refresher course; or**

(b) A person who holds a flight instructor certificate that has not expired, may present to an authorized FAA Flight Standards Inspector—

(1) A record of training students that shows during the preceding 24 calendar months the flight instructor has endorsed at least five students for a practical test for a certificate or rating, and at least 80 percent of those students passed that test on the first attempt;

(2) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards; or

(3) A graduation certificate showing the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, within the 90 days preceding the expiration month of his or her flight instructor certificate.

(c) If a person accomplishes the renewal requirements of paragraph (a) or (b) of this section within the 90 days preceding the expiration month of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be renewed for an additional 24 calendar months from its expiration date.

(d) The practical test required by paragraph (a)(1) or (2) of this section may be accomplished in an approved flight simulator or approved flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

{q&a-33}

**QUESTION 1:** 61.197(a) allows a CFI to renew based on completion of an FIRC 90 days before their expiration month. This seems to translate to between 118-121 days (depending on how many days in the expiration month). HOWEVER, our order says these certificates expire 90 days after they are issued. So if a CFI expires August 31, 1997; completed an FIRC on June 2nd; the CFI could be renewed up until August 1st but on Aug 2nd the FIRC graduation certificate will have expired (91 days old). Do we intend to allow these certificates to be used from 90 days before the expiration month to the end of the expiration month?

**QUESTION 2:** Explain how to interpret. For example, a person's flight instructor certificate expires on May 31, 1997 but that person accomplished one of the renewal procedures of §61.197(a) on February 24, 1997. Do these dates fall within the **“within the 90 days preceding the expiration month”** provision in the new §61.197?

**ANSWER** 1: YES; 2: YES

The new §61.197 states:

§ 61.197 Renewal of flight instructor certificates.

(a) A person who holds a flight instructor certificate that has not expired may renew that certificate for an additional 24 calendar months if the holder:

(1) Passes a practical test for—

(i) Renewal of the flight instructor certificate; or

(ii) An additional flight instructor rating; or

(2) Presents to an authorized FAA Flight Standards Inspector—

(i) A record of training students that shows during the preceding 24 calendar months the flight instructor has endorsed at least five students for a practical test for a certificate or rating, and at least 80 percent of those students passed that test on the first attempt;

(ii) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or part 135 operation, or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards; or

(iii) A graduation certificate showing the person has successfully completed an approved flight instructor refresher course consisting of ground training or flight training, or both, **within the 90 days preceding the expiration month** of his or her flight instructor certificate.

(b) If a person accomplishes the renewal requirements of paragraph (a)(1) or (a)(2) of this section **within the 90 days preceding the expiration month** of his or her flight instructor certificate:

(1) That person is considered to have accomplished the renewal requirement of this section in the month due; and

(2) The current flight instructor certificate will be renewed for an additional 24 calendar months from its expiration date.

(c) The practical test required by paragraph (a)(1) of this section may be accomplished in a flight simulator or flight training device if the test is accomplished pursuant to an approved course conducted by a training center certificated under part 142 of this chapter.

Therefore as an example, a person successfully completes a FIRC “within the 90 days preceding the expiration month of his or her flight instructor certificate.” And further, that person’s flight instructor certificate was to expire on May 31, 1997. In computing the “90 day window” provisions of §61.197, that person may complete the FIRC [and really any of the renewal provisions of §61.197(a)] on or after January 31, 1997 and have their certificate renewed for an additional 24 calendar months with a new expiration date being May 31, 1999. Otherwise, you compute the 90 days from the 1st day of the expiration month and go backward 90 days. Therefore, a person's flight instructor certificate that expires on May 31, 1997, you compute the 90 days from May 1, 1997 date which when counting backwards falls on the date of January 31, 1997. January 31, 1997 is also the earliest date that a person may complete the clinic and be afforded the “90 day window” relief provided in §61.197. In reality when actually counting 90 days backwards, the “90 day window” provisions of §61.197 is actually a 120-day window. You compute the “90 day window” backward from the first day of the expiration month of the certificate, not the last day of the expiration month.

Please review my earlier answer to this question that is attached. But in answer to your specific question, you count backwards from the first day of the expiration month, not the last day. So count backwards from November 1 (October 31 being day 1). So in applying the "90 day window" computation, anytime on or after August 3 falls "within the 90 days preceding the expiration month" provisions of §61.197 for a November 30, 1997 expiration date.

{q&a-48}

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**QUESTION:** Another question has come up--this time on the correct procedure for determining the 90 day window for submitting an application in advance of the expire month. Effective August 4, FAR 61.197(b) was changed from expiration date to expiration month.. What is this a correct interpretation of the rule?

**ANSWER:** To use an example, let's take a certificate expiring in November. Since the language states "90 days preceding the expiration month," you count backwards from you count backwards from the first day of the expiration month, not the last day. So count backwards from November 1 (October 31 being day 1) the first day of the expiration month, not the last day. So in applying the "90 day window" computation we would start the count on October 31 and count backwards to August 3, which is the 90th day. A person graduating from a FIRC course on August 3 would be within the 90 day period preceding the month of expire and thus would qualify to retain their original expiration month of November. A graduation date of August 1 or 2 would not qualify since it would be more than 90 days from the expiration month and not within the provisions of §61.197 for a November 30, 1997 expiration date.

{q&a-14}

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**QUESTION 4:** In §61.197(a)(2)(ii), it says “. . . or in a position involving the regular evaluation of pilot . . .” This is different wording than the old rule, because we could renew Part 121 airline captain just because they were Part 121 airline captains. Can we still renew airline captains?

**ANSWER 4:** It depends on just like the rule states: “(2) Presents to an authorized FAA Flight Standards Inspector--

\* \* \* \* \*

(ii) A record that shows that within the preceding 24 calendar months, the flight instructor has served as a

. . . . or in a position involving the regular evaluation of pilots, in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards.” Emphasis added “in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards.”

So, just because the person is an airline captain doesn't automatically allow that applicant to be renewed. However, if that Part 121 airline captain has “A record that shows that within the preceding 24 calendar months . . . in a position involving the regular evaluation of pilots . . .” and “in which that authorized FAA Flight Standards Inspector is acquainted with the duties and

responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards,” then YES that Part 121 airline captain’s flight instructor certificate can be renewed.

The purpose of rewriting this rule was to require and establish quality requalification standards. And additionally, it was to once and forever stop renewing applicants on acquaintance. We never could renew on merely “acquaintance” even in the old rule. Nor did Order 8700.1 ever permit it. There always had to be some duties and responsibilities to go along with the renewal, so the applicant’s flight instructor qualities could be judged. Where that misconception came from was the back of the FAA Form 8710-1 “Airman Certificate and/or Rating Application where in the Inspector’s Report portion of the form it is noted “Acquaintance.”

As follows are some examples of “. . . in a position involving the regular evaluation of pilots . . .”

A person who regularly give aircraft checkouts at an FBO and the Inspector is aware of that applicant’s duties, responsibilities, and quality of instruction could be renewed on the basis the applicant is “. . . in a position involving the regular evaluation of pilots . . .”

Additionally, a Part 135 airline captain who is “. . . in a position involving the regular evaluation of pilots . . .” and “in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards,” then YES that Part 135 airline captain’s flight instructor certificate could be renewed.

Additionally, a PIC on a SK-61 Sikorsky helicopter for a Part 133 operation who is “. . . in a position involving the regular evaluation of pilots . . .” and “in which that authorized FAA Flight Standards Inspector is acquainted with the duties and responsibilities of the position, and has satisfactory knowledge of its current pilot training, certification, and standards,” then YES that Part 133 PIC’s flight instructor certificate could be renewed.

{q&a-73}

## 61.199

**QUESTION 2** 61.199(a) states that an expired CFI may be exchanged (reinstated) by passing a practical test prescribed in 61.183(h). After reading 61.183(h) one could conclude it to mean that a practical test is required for each rating.

**ANSWER 2:** One test renews all. There was no change intended. However, FAA Order 8700.1, Vol 2, Chapter 11 is my next project to rewrite to clarify this matter  
{q&a-13}

**QUESTION 1:** For example, a person holds a flight instructor certificate with the following ratings: Airplane Multiengine, Airplane Single Engine, Glider, Rotorcraft-Helicopter, Instrument-Airplane and Helicopter. The certificate expired on July 30 ,1997. And today is September 2, 1997. Does the rule allow for satisfactory completion of one practical test to renew for all the ratings? For example, does the rule allow for completion of a Flight Instructor-Airplane Singe

Engine practical test in a Cessna 152 and a satisfactory completion of that practical test renew all the person's flight instructor ratings?

**ANSWER** 1: Yes, completion of one practical test allows for re-instatement of all the person's flight instructor ratings. Review the new §61.199(a) which states:

(a) Flight instructor certificates. The holder of an expired flight instructor certificate may exchange that certificate for a new certificate by passing **a** practical test prescribed in § 61.183(h) of this part.

Read the words "... by passing **a** practical test ...". It doesn't say multiple practical tests, it says "... by passing **a** practical test ...". In this case "**a**" means one.

However, this applies to the Flight Instructor certificate and ratings that were issued after November 1, 1975. If a person holds one of the old flight instructor certificates and ratings that was issued prior to November 1, 1975, review Order 8700.1, page 11-3, paragraph 13.

{q&a-50}

## 61.215

**QUESTION** In your cc mail message of September 24, 1997 (for which I am sorry to say by mistake I deleted it), you asked whether an Instrument Ground Instructor may give training in an approved flight training device or approved flight simulator for the instrument experience required by §61.57(c) and can they also conduct the instrument proficiency check required by §61.57(d) in an approved flight simulator or approved flight training device.

**ANSWER** As long as the flight training devices and flight simulators are "approved" for such training and the proficiency check, then the answer is yes on both accounts. My answer is based on the policy interpretation of §61.57(d)(2)(iv), §61.215((c)(1) and (2), and the definition of ground training in §61.1(b)(8). Yes, a IGI may give the training. However, an IGI can not conduct the proficiency check.

{q&a-68}

**QUESTION** 2. A question has been raised about the privileges of a ground instructor. More specifically, can a ground instructor with an advanced rating provide a recommendation for an instrument knowledge test? You had previously indicated that the answer was yes and I wanted to double check this with you. FAR 61.215(b)(1) clearly states that an advanced ground instructor is authorized to give the ground training in the aeronautical knowledge areas for any certificate or rating. However, paragraph (3) of that same section only uses the word "certificate" in talking about recommendations for knowledge tests.

**ANSWER** 2: Yes, the new §61.215(b) permits an AGI to give the training and endorse an applicant to take the instrument knowledge test. Yes, §61.215(b)(1) and (3) clearly say it. Read the word "any."



{q&amp;a-71}

**QUESTION 2:** Can Advanced Ground Instructor (AGI) provide a recommendation for the instrument knowledge test?

**ANSWER 2:** Yes; per §61.215(b)(3) IT SAYS “a recommendation for a knowledge test required for the issuance of ANY certificate or rating under this part.”

{q&amp;a-73}

**QUESTION 7:**

Does 61.215 Ground Instructor Privileges stated as “ground training in the aeronautical knowledge areas required” allow a ground instructor to give training in a flight simulator or flight training device?

**ANSWER 7: YES. This is within the definition of ground training; “training other than flight training received from (given by) and authorized instructor.”**

{q&amp;a-60}

## 61.217

**QUESTION 1:** How do you count the 3 months in §61.217(a) which states: “The person has served for at least 3 months as a ground instructor; or”? Does the 3 months have to be consecutive?

**ANSWER 1:** No, it doesn’t have be consecutive. Just like the rule states:

“. . . within the preceding 12 months: (a) The person has served for at least 3 months as a ground instructor; or"

As an example, if a person can show some kind of documentation that he or she taught a ground school lesson at a Flight Instructor Refresher Course and can show some starting and ending dates that amount to 3 months or can show some documentation that shows employment or activity as a ground instructor for 3 months, then that is acceptable.

So sometime during the preceding 12 months, the person must have served as a ground instructor for at least 3 months during the preceding 12 months. No, you don’t need to count the time by the minute, by the day, or by the week to come up with 3 months. If a person can show some kind of employment or activity as a ground instructor that amounts to 3 months during the preceding 12 months, then accept it. Basically, the purpose of this rule is to require a holder of a ground instructor certificate to maintain some semblance of recent experience. **KEEP IT SIMPLE.**

{q&amp;a-90}

**QUESTION** 3. A question has been raised about the currency requirements for ground instructors under FAR 61.217. The regulation states that to perform the duties of a ground instructor you must, within the last 12 months, have served for at least 3 months as a ground instructor. If a person does not meet this requirement, how would they renew their currency? Is the three month period consecutive? What is the purpose of this regulation.

**ANSWER** 3: In accordance with §61.217(b), the ground instructor must have ". . . demonstrated satisfactory proficiency in the subject areas prescribed in §61.213(a)(3) and (a)(4), as applicable." It can be either be demonstrated to another ground instructor, a flight instructor, examiner; or the person may give ground training to a class while another ground instructor, a flight instructor, or examiner monitors the class.

No, it does not have to be consecutive. Just like the rule states ". . . within the preceding 12 months: (a) The person has served for at least 3 months as a ground instructor; or" So, sometime during the preceding 12 months and the time must accumulate to at least a total of 3 months of time, the person must have served as a ground instructor. The purpose of this rule is to require a holder of a ground instructor certificate to maintain some semblance of recent experience.  
{q&a-71}

**QUESTION** 3: If a ground instructor has not met the recency experience requirements of §61.217(a), how does that ground instructor get current? Is the 3 months of recency experience requirements of §61.217(a) have to be concurrent? What was the purpose of requiring 3 months of recency experience requirements in §61.217(a)?

**ANSWER** 3: Just like it says to do in §61.217(b). It says: "(b) The person has received an endorsement from an authorized ground or flight instructor certifying that the person has demonstrated satisfactory proficiency in the subject areas prescribed in Sec. 61.213 (a)(3) and (a)(4), as applicable."

So, get hooked up with another CGI or a CFI and get the endorsement.

No, the 3 months don't have to be concurrent. Just show me 3 months of giving ground training within the preceding 12 months. We don't care if we have to add it up a day at a time, just so we can see a total of 3 months.

The purpose of the rule was to require some degree of recency within our ground instructor personnel. Personally, we don't believe requiring 3 months of recency every 12 months is asking too much.  
{q&a-73}

## PART 141

## PART 141.27

**QUESTION:** In order to renew its Air Agency Certificate, §141.27(a)(2) appears to require that the pilot school must meet original requirements and have... "trained and recommended for pilot certification and rating tests, within 24 calendar months preceding the month the application is made for the pilot school certificate, at least 10 students for a knowledge or practical test" and further states, "and at least 80 percent of all tests administered were passed on the first attempt" (FAR 141.5).

Does this mean that the school must have trained and recommended at least 10 students for a knowledge or practical test in EACH CERTIFICATION AND RATING COURSE the school is authorized to conduct?

**ANSWER:** Reference §141.27(a)(1) and (2). The school must only have a **TOTAL** of 10 student completions for the entire school. So for example, if the school has the following courses approved:

- Private Pilot-ASEL
- Commercial Pilot-ASEL
- Instrument-Airplane
- Flight Instructor-ASE
- Additional Aircraft Rating-AMEL
- Additional Aircraft Rating-Helicopter
- Additional Instrument Rating-Helicopter
- External Load Course-Helicopter

When the school makes application to renew their school certificate, in accordance with §141.27(a)(1) and (2), the school only needs to have a **TOTAL of 10 student completions** for the entire school. The 10 student completions don't have to be in each course.

A school must have at least **TOTAL 10 student completions** to meet the renewal requirements; And as a follow up question, YES a student who satisfactorily completes a knowledge test and that same student also satisfactorily completes a practical test counts as 2 students. Yes, if a school only can show a total 5 students and each student completes a knowledge test and a practical test that equals out to be 10 student completions. Read §141.5(d), in pertinent part, and in effect implied by §141.83(a)(2) “. . . for a knowledge test **OR** practical test for a pilot certificate, flight instructor certificate, ground instructor certificate, an additional rating, an end-of-course test for a training course specified in appendix K . . .”

The wording of this new §141.27(a)(2) states, in pertinent part, "A pilot school may have its school certificate and ratings renewed for an additional 24 calendar months if the Administrator determines the school's personnel, aircraft, facility and airport, approved training courses, training

records, and **RECENT TRAINING ABILITY AND QUALITY MEET THE REQUIREMENTS OF THIS PART."**

To further explain this rule, the FAA stated in the preamble of the Notice of Proposed Rulemaking (60 FR 41216; August 11, 1995):

"... the FAA proposes to revise the quality of training from 8 of 10 of the most recent graduates pass rate to an 80 percent requirement."

Additionally, the FAA stated in the preamble of the Notice of Proposed Rulemaking: "Revises the requirements for renewing a pilot school requirement and rating. A pilot school would be required to have trained and recommended at least 10 students for a practical or knowledge test for a pilot, flight instructor, or ground instructor certificate or rating, and at least 80 percent of the students must have passed the test on the first attempt ... an end of course test for a training course in Appendix K."

{q&a-125}

## PART 141.33

**QUESTION 2:** Reference §141.33(a)(1). Can a school appoint more than one chief instructor for the same course. For example, a school has 2 satellite bases and they want chief instructors at those satellite bases. The main school facilities and the 2 satellite bases have approval to teach the Private Pilot Certificate-Airplane Single Engine Land course.

**ANSWER 2:** No place in Part 141 does it prohibit a school from appointing more than one chief instructor. So the answer is yes, a Part 141 can appoint more than one chief instructor for a course of training.

{q&a-106}

**QUESTION 2:** Reference FAR 141.33 (d)(2): Does the requirement for 50 students mean only 141 students or can 61 students be used to fulfill the requirement?

**ANSWER 2:** It means 141 students.

{q&a-74}

## PART 141.37

**QUESTION:** We're having a deep discussion out here regarding the class medical required for a 141 school assistant chief flight instructor. Reading the preamble, it says that references to medical certificate requirements in section 141.37 were deleted from the final rule.

One argument is this brings us to the basic presumption that if a commercial pilot certificate is a requirement under the FAR (which it is), then a second-class medical is required.

Another argument is that the assistant chief flight instructor is being paid as a CFI, not a commercial pilot, therefore he/she is not flying for hire (commercial pilot). The syllabus states that all phase checks of pilots enrolled in the school's Private Pilot Certification Course are dual instruction flights even though the student is being tested. The assistant chief flight instructor must simply be the PIC, and to act as PIC he/she only needs a 3rd class medical.

The question is, does the Assistant Chief Instructor need to possess a valid second class medical certificate, or can he possess just a valid third class medical certificate, which he does have?

**ANSWER:** Ref. §61.23(a)(3)(iv); An assistant chief flight instructor, and even a chief flight instructor of a Part 141 school, **need only hold a 3rd class medical certificate**. The second "argument" is valid.

However, don't forget the provisions of §61.23(b)(5), because in that situation:

"... A person is not required to hold a medical certificate . . . When exercising the privileges of a flight instructor certificate if the person is not acting as pilot in command or serving as a required pilot flight crewmember. . ."

{q&a-143}

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**QUESTION 2:** FAR 141.37 (b)(2) states that the Check Instructor has to be approved by FAA, but it does not say this has to be in writing. My thought is that it should be. Do you agree?

**ANSWER 2:** Reference §141.37(b)(2): No, it does not have to be in writing from the FSDO. When we wrote that requirement, we wanted to make it as easy for the school and the FSDO as possible. Less paperwork is the best way as far as we are concerned. However, §141.37(b)(1) does state "Be designated, in writing, by the chief instructor . . ." Meaning, it has to be writing and on file at the school.

{q&a-117}

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**QUESTION:** We need the definition of "Principal Instructor". We have our opinion but I think this is to critical for opinion's. How about going back to the regulation framer's and getting one for us. This rule could have a large impact on certain operators.

**ANSWER:** The term "principal instructor" is not defined in Part 141. However, the term "principal instructor" is contained in the text of §141.37(c)(1) and states "A check instructor may not conduct a stage check or end-of-course test of any student for whom the check instructor has:

- (1) Served as the principal instructor; or
- (2) Recommended for a stage check or end-of-course test.

The intent of §141.37(c)(1) was to prevent an instructor from endorsing his or her own student for a stage or end-of-course test and then also perform the test as the Check Instructor. Our intent here

was to place restrictions on the Check Instructors that are similar to the requirement placed on DPE's (i.e., Order 8710.3C, paragraph 5.).

Order 8710.3C does not permit DPE's to conduct practical tests on their own students for whom they signed off. It requires the last 3 hours to be given by another instructor who signs the applicant's

application that actually authorizes the applicant to take the practical test.

Therefore, in answer to your specific question, a check instructor who recommends a student for the stage or end-of-course test may not also conduct the stage or end-of-course test on that student.

Additionally, if a check instructor conducts the stage or end-of-course test on a student, then the last 3 hours of training prior to the stage or end-of-course test must have been conducted by another instructor and that instructor must be the one that recommended the student for the stage or end-of-course test.

{q&a-25}

## PART 141.53

**QUESTION 2:** During this interim period (until 12:01am on August 4, 1998) until all Part 141 curriculums have to be approved under the new requirements, can schools maintain two courses for the same certificate and rating. As an example, can ABC Flight School have some of their students remain enrolled in its old Private Pilot-ASEL curriculum and also enroll student in their newly approved Private Pilot-ASEL curriculum?

**ANSWER 2:** Ref. §141.53(c)(1); Yes, but at 12:01am on August 4, 1998, all curriculums must be approved under the new Part 141 requirements and all students must be enrolled in those newly approved curriculums. And as was the case in answer 1 above, the students will receive 100% credit as long as they stay within the same school.

{q&a-141}

**QUESTION 2:** Can a student continue to train on an old syllabus after August 4 or must they transfer to a new syllabus, or just meet the new regulation graduation requirements OR are they grandfathered to be able to graduate under the syllabus requirements that they enrolled under?

**ANSWER 2:** Ref. §141.53(c)(1). At 12:01am on August 4, 1998 ALL students must graduate under the new curriculum requirements. No student may remain in the old curriculum after 12:01am on August 4, 1998.

{q&a 149}

**QUESTION:** With the new rule effective 8/4/97 - do currently certificated schools need to realign to the new rule or can they operate under the old until their certificate comes up for renewal?

**ANSWER:** New §141.53(c)(1) states: "Training Courses. A training course submitted for approval prior to August 4, 1997 shall, if approved, retain that approval until 1 year after August 4, 1997. Otherwise, ALL existing Part 141 pilot schools who have approval to operate under a Part 141 approved course of training retains that approval until August 4, 1998. However, if a school elected to receive approval under the new Part 141 requirements at 12:01 midnight on August 4, 1997 that would be permitted also.  
{q&a-2}

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**QUESTION 6:** A 141 school is still certificated under the old 141. Are they allowed to operate, other than their syllabus, under the new 141?

**ANSWER 6:** Read §141.53(c), it applies to training courses, not Part 141 school certification and operational requirements. Except for the training courses, on August 4, 1997 all our Part 141 schools became certificated under the new Part 141.  
{q&a-74}

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**QUESTION** We presumed that when the requirements changed that all new applicants must meet the new numbers before being qualified. What can we use to assure we are passing on the right information for this and any future confusing points? We have a series of seminars scheduled for our flight instructors where we will cover Part 61 in depth, hopefully in its most accurate form.

**ANSWER** The answer that we in AFS-840 have given on whether previously logged (i.e., prior to August 4, 1997) cross country time for the ATP certificate will still count even though it may not meet the new cross country definition, the answer is yes it will count. The FAA cannot go back and take time away from people, nor have we ever done that as far as I know in the past. So if a holder of a commercial pilot certificate who has logged cross country time under the old policy requirements prior to August 4, 1997, and is seeking to use that time for the cross country aeronautical experience for ATP certification, **THE TIME WILL COUNT**. Ensure the cross country time that the person is attempting to credit is legitimate under the old policy guidelines and it was credited after the person earned his or her commercial pilot certificate. However, on August 4, 1997 and from hereon out, any newly logged cross country time must meet the new cross country definitions.

There is no grace period under Part 61 for applicants not to have to meet the new Part 61 aeronautical experience requirements. Unless the applicant is a Part 141 graduate, if the checkride occurred on or after August 4, 1997 then the applicant must meet the new Part 61 requirements. Part 141 graduates are treated differently. In the new §141.53(c), schools have until August 4, 1998 to convert their courses over to the new Part 141 requirements. Once the school's course(s) convert over to the new Part 141 requirements, the grace period ends for Part 141 students who enroll in the new course(s).

Even then, we anticipate that some Part 141 students who are enrolled in the old course(s) will need some time to finish their course(s) to completion.

But that grace period, for Part 141 graduates only, terminates at 12:00:01 am on August 4, 1998. If Part 141 graduates have not completed their training and finished their practical test by 11:59:59pm on August 3, 1998 then THE TIME IS UP. NO MORE TIME will be afforded to them.

{q&a-62}

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**QUESTION** I have reviewed your cc mail message of 07/23/97 regarding FAR 141.53(c)(1) as it applies to approved flight schools. I was not able to glean an answer for the following:

I have two FAR 141 flight schools operating under a provisional certificate which will not expire until 1999. My understanding from your memo is that effective 08/04/98 ALL flight schools will have to

be renewed. Because these schools will have had their certificates less than two years, the schools will probably not have trained enough applicants to qualify for a standard school certificate by then.

There is no allowance for the renewal of a provisional certificate. What are my options next August?

**ANSWER** In our July 27 memo, we never said the school certificates had to be renewed. We said the "training courses" had to revert over to the new Part 141 requirements by August 4, 1998. As you well know, you don't renew school certificates every time you approve a revised "training course."

{q&a-63}

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**QUESTION** If an applicant fails the test under the old part 61, when he retakes the practical, does he have to meet the new rule. I've been told yes and no by FAA officials

**ANSWER** If a student is retaking the practical test on or after August 4, 1997, then the applicant is required to meet the new Part 61 requirements.

There is one exception, if the applicant is a graduate of a Part 141 school, then §141.53(c)(1) provides that "A training course submitted for approval prior to August 4, 1997 shall, if approved, retain that approval until 1 year after August 4, 1997." Otherwise, Part 141 schools have until August 4, 1998 to get their courses approved.

{q&a-52}

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**QUESTION:** Is a student enrolling in September 1997 in a Part 141 school required to have a student certificate before beginning flight training? The TCO has no enrollment requirements for the Private Pilot Certification Course. The Jeppesen syllabus states on pg. 2-2. "There are no specific prerequisites for enrolling in the course and beginning your training." However, now Part



141, Appendix B 2 requires a student or recreational pilot certificate for enrollment in the private course.

**ANSWER:** As it states in §141.53(c)(1) "A training course submitted for approval prior to August 4, 1997 must, if approved, retain that approval until 1 year after August 4, 1997." Otherwise, the TCO's that were approved under the old Part 141 remain in effect until 11:59:59 pm on August 3, 1998. At midnight, all schools have to have their TCO's approved in accordance with the new Part 141 and the old TCO's become obsolete.

So if any old TCO, approved under the old Part 141, didn't have any enrollment requirements then that is okay until 11:59:59 pm on August 3, 1998. But any new TCO, approved under the new Part 141, has to comply with the appropriate enrollment requirements. And in reference to the specific question you asked it says in the new Appendix B, paragraph 2 "A person must hold a recreational pilot or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course."

It doesn't make any difference when the student enrolls, the school, in accordance with §141.53(c)(1), is permitted to continue to operate under the old TCO until 11:59:59 pm on August 3, 1998. And under the old TCO there were no enrollment requirements. Now if this school were to have requested and obtained approval of a new TCO on or after August 4, 1997 and the student is enrolled in one of these TCO's that has been approved under the new Part 141, then and only then would he/she be required to ". . . hold a recreational pilot or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course."  
{q&a-82}

## PART 141.55

**QUESTION 2:** Ref. §141.55(e); Once a pilot school receives final approval of a training course, can the school use examiners that may also be employees of the school?

**ANSWER 2:** Ref. §141.55(e); Yes, the school can then use its own examiners after it receives final approval of its training course.  
{q&a-136}

**QUESTION:** May I receive examining authority for a course of training that allows a student to graduate the course, having met the 141 minimum flight training requirements, without meeting the ground and flight times recommended in the approved course of training. The intent is to write a TCO that complies with 141.63(b)(4), ensuring the student meets the time requirements of 141) but allow the student complete with less than the times in the TCO; I'd like to write a TCO for the average student, that allows students who learn faster, but meet the minimum 141 requirements to graduate, without meeting the times in the TCO. We would meet 141.77 (b) ".all of the curriculum requirements." by stating in the TCO the student MUST at least meet the 141 minimums.

**ANSWER:** Reference §§141.77(a)(1) and 141.55(d) or (e); The answer is **NO**.

But I wonder why you say “. . . have met the 141 minimum flight training requirements . . .” and then turn around and say “. . . without meeting the ground and flight times recommended in the approved course of training.” In fact, even if a school has a course approved in accordance with §141.55, the school still must comply with §141.77(a)(1).

Either way the answer is NO.

{q&a-130}

**QUESTION:** A Designated Pilot Examiner (DPE) claims he does not meet the legal definition of employee with respect to a Part 141 Flight School, but is only a contractor, and should, therefore, be able to administer tests to the school's students as a DPE.

The cover memo from the FSDO says this DPE has been associated with the school for several years, holding such positions as Chief Flight Instructor, Airman Certification Representative (ACR), and is now an Assistant Chief Flight Instructor. He has been responsible for hiring and firing employees, writing Training Course Outlines, developing safety procedures, operating procedures and policies for the school. He now teaches ground school, conducts some flight training in both aircraft and flight training devices, and gives stage tests.

Could this DPE have been considered a “contractor” and now be eligible to administer tests to the school's students as a DPE?

**ANSWER:** The answer is **NO, that examiner may not be used**. Reference §141.55(d)(4)(ii) and (e)(2)(ii)(B) which states, in pertinent part, [i.e., “. . . who is not an employee of the school]. Your question, in effect, is trying to say the word “. . . employee of the school” is different than a person who is a “contractor” with the school. Again, the answer is that examiner cannot be used to conduct practical tests under §141.55(d) and (e).

Our intent in drafting this rule was to imply a very broad interpretation on the word “employee.” In effect, the intent of the word “employee” is synonymous with “cannot be associated with the school in any form or manner,” “completely independent of the school,” “completely unaffiliated with the school,” etc. Otherwise, the examiner must be completely unaffiliated with the school. We want the test to be done by an examiner who can show the same independence from the school as an FAA Inspector. We want the test to be done by an examiner who is completely and entirely impartial and unbiased.

{q&a-123}

**QUESTION** 4. In a Part 141 course that has been approved with “planned ground and flight training” as per § 141.55(d) and (e), can the school when it believes the student can meet the standards and can pass the practical test, can the student be permitted to take the practical test without first having accomplished all of the course’s “planned ground and flight training” and take the test with one of the school’s examiners?

**ANSWER:** No; per §§ 141.55(d)(3), (4)(ii), (e)(3) and (4) and 141.95 (a).

{q&a-4}

**QUESTION 3:** Is it legal if I submit a combined course that called for 55 hours for the private pilot phase, 45 hours for the instrument phase, and but only 90 hours for the commercial phase?

**ANSWER 3:** Yes, however, because your commercial phase of your combined course only has 90 hours, §141.55(d) and (e) states:

(d) A pilot school may request and receive initial approval for a period of not more than 24 calendar months for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part, provided the following provisions are met:

(1) The school holds a pilot school certificate issued under this part and has held that certificate for a period of at least 24 consecutive calendar months preceding the month of the request;

(2) In addition to the information required by paragraph (c) of this section, the training course specifies planned ground and flight training time requirements for the course;

(3) The school does not request the training course to be approved for examining authority, nor may that school hold examining authority for that course; and

(4) The practical test or knowledge test for the course is to be given by —

(i) An FAA inspector; or

(ii) An examiner who is not an employee of the school.

(e) A certificated pilot school may request and receive final approval for any of the training courses of this part without specifying the minimum ground and flight training time requirements of this part, provided the following conditions are met:

(1) The school has held initial approval for that training course for at least 24 calendar months.

(2) The school has —

(i) Trained at least 10 students in that training course within the preceding 24 calendar months and recommended those students for a pilot, flight instructor, or ground instructor certificate or rating; and

(ii) At least 80 percent of those students passed the practical or knowledge test, or any combination thereof, on the first attempt, and that test was given by —

(A) An FAA inspector; or

(B) An examiner who is not an employee of the school.

(3) In addition to the information required by paragraph (c) of this section, the training course specifies planned ground and flight training time requirements for the course.

(4) The school does not request that the training course be approved for examining authority nor may that school hold examining authority for that course.

**QUESTION 4:** Follow on to Q3, does that mean I can't ever get examining approval for my combined course.

**ANSWER 4:** That is correct, you cannot get examining approval for the course. And the reason this rule was established was because if we the FAA allow you to submit a course with less than the required hour requirements of Appendix D, we certainly aren't going to let you control

the testing standards also. It is a check and balance system by not allowing the company to control both the training and testing standards.

{Q&A-31}

## PART 141.63

**QUESTION:** Will amended training courses received and approved in compliance with revised FAR 141 retain examining authority if the requirements of 141.63(b) are met, or will all TCO's be required to meet the initial approval of 141.63(a) for examining authority?

**ANSWER:** Reference §141.63: Yes, they will retain their examining authority; As an example, if the school held examining authority for their Private Pilot - ASEL Course prior, then the school SHALL retain that approval. Treat this just like you would if the school was submitting a revision to their approved course.

{q&a-102}

## 141.67

**QUESTION 3:** Can a non-Part 141 student transfer into a Part 141 school's course that has examining authority? If so, what is the maximum credit that may be credited to a non-Part 141 student who elects to enroll in a school's course that holds examining authority?

**ANSWER 3:** Ref. §141.67(b)(1); You cannot permit a non-Part 141 transfer student to transfer into a school's course that holds examining authority. This was intentional because we do not want a non-Part 141 transfer student to come into a Part 141 approved course that holds examining authority. Non-Part 141 transfer student must complete ALL of the course requirements of a course that holds examining authority. Per §141.67(b)(1):

(b) Except as provided in this paragraph, the person satisfactorily completed all the curriculum requirements of that pilot school's approved training course. A person who **transfers from one part 141 approved pilot school to another part 141 approved pilot school** may receive credit for that previous training, provided the following requirements are met:

(1) The maximum credited training time does not exceed one-half of the receiving school's curriculum requirements;

{q&a-136}

## PART 141.77

**QUESTION 1:** Ref. §141.77(c)(1); A student is enrolled in ABC Flight School's old Part 141 Private Pilot-ASEL course. The curriculum was approved prior to the adoption of the new Part 141 that came into effect on August 4, 1997. On March 1, 1998, ABC Flight School

got their Part 141 Private Pilot-ASEL curriculum approved under the new Part 141 requirements. ABC now want to dis-enroll their students from their old curriculum and enroll those same students in their new Part 141 Private Pilot-ASEL curriculum. Do these students get 50% credit or 100% credit?

**ANSWER 1:** They get 100% credit; Section 141.77(c)(1) doesn't apply to students that stay within the SAME school. Section 141.77(c)(1) was designed and apply to students who are enrolled, as for example, in ABC Flight School's Part 141 Private Pilot-ASEL curriculum. The student quits ABC Flight School's and transfers to DEF Flight School's Part 141 Private Pilot-ASEL curriculum. If applicants stay within the same school, they receive 100% credit of their aeronautical experience that they possessed when they converted over to the new curriculum.

**However a note of caution,** make sure when you convert your students into the new curriculum that wherever you start that student (as for example you start him or her out in Lesson 17 of the new curriculum) that when that student completes the course, all of the training requirements were accomplished. As for example, under ABC Flight School's newly approved Private Pilot-ASEL curriculum, Lesson No. 11 requires a student to do a dual night cross country flight. This is the only lesson in the entire curriculum where this "dual night cross country flight" is required. But remember, the school started the student out at Lesson No. 17 and the old curriculum did not have a "dual night cross country flight." So what I am saying, make sure the student accomplishes this "dual night cross country flight."

{q&a-141}

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**QUESTION 2:** During this interim period (until 12:01am on August 4, 1998) until all Part 141 curriculums have to be approved under the new requirements, can schools maintain two courses for the same certificate and rating. As an example, can ABC Flight School have some of their students remain enrolled in its old Private Pilot-ASEL curriculum and also enroll student in their newly approved Private Pilot-ASEL curriculum?

**ANSWER 2:** Ref. §141.53(c)(1); Yes, but at 12:01am on August 4, 1998, all curriculums must be approved under the new Part 141 requirements and all students must be enrolled in those newly approved curriculums. And as was the case in answer 1 above, the students will receive 100% credit as long as they stay within the same school.

{q&a-141}

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**QUESTION 1:** Under the new 141 regulations, a recent interpretation from our local FSDO was that any students not completed by August 4, 1998 would have to be transferred into a new syllabus for their certification. Their understanding is that we would only be allowed to transfer (allocate) up to 50% of their previous training towards the graduation requirements of the new syllabus. This means that even though a student is still training under the same Air Agency they would possibly lose time towards their graduation. Is this true? If they transfer credit from one syllabus to another under the same Air Agency certificate they should be able to transfer 100%.

**ANSWER 1:** Ref. 141.77(c)(1); These “intra-transfer” students can receive 100% credit if transferring out of a school's curriculum into the same school's other curriculum that is of the same kind of course and rating.

Section 141.77(c)(1) doesn't apply to "intra-transfer" students, because as the rule states ". . . conducted by the receiving school." This rule applies to a student that transfers from one school to an entirely different receiving school. Section 141.77 doesn't apply nor does any other rule within Part 141 address "intra-transfer" students. The term "intra-transfer" means students transferring within the same school of the same kind of course and rating. Intra-transfer" students can receive 100% credit.

However, when a school is transferring an "intra-transfer" student, that student must have completed ALL of the curriculum requirements of the curriculum the student is transferring into. For example, a "intra-transfer" student completes Lesson No. 11 of the University of Oklahoma's Private Pilot Certification Course-Airplane Single Engine Land. That student then transfer into the University's new Private Pilot Certification Course-Airplane Single Engine Land. The student is evaluated via a knowledge or proficiency test or both, as per §141.77(c)(3), and it is determined to begin this "intra-transfer" student at Lesson 17 of the new Private Pilot Certification Course-Airplane Single Engine Land. However, in Lesson 15 of the old curriculum it required ground reference maneuvers to be performed. In the new curriculum ground reference maneuvers are required to be performed at Lesson No. 9. The school would be required to make sure the student accomplishes this required training prior certifying the student as course complete in the new curriculum requirements.

{q&a 149}

**QUESTION 4:** For the issuance of an Instrument rating without being in a concurrent Commercial curriculum do they have to meet the part 61 requirements for pic XC? If so could a student complete a Private and Instrument in only 70 hours total?

**ANSWER 4:** Ref §61.71(a); A person who applies for an instrument rating via graduating from a Part 141 curriculum do not have to meet the PIC cross country requirements of §61.65(d)(1). Yes, this provision was intentional! Section 61.71(a) states:

“(a) A person who graduates from an approved training program under part 141 or part 142 of this chapter **is considered to have met the applicable aeronautical experience, aeronautical knowledge, and areas of operation requirements of this part** if that person presents the graduation certificate and passes the required practical test within the 60-day period after the date of graduation.”

{q&a 149}

**QUESTION 2:** The situation is a student completes a school's Part 141 approved Private Pilot-Airplane Ground Course. Then that same student decides a year later to enroll in the same school's Part 141 approved Private Pilot-Airplane Flight Course. Does §141.77(c)(1) allow this student to be given full credit for completion of the ground school or is the school restricted to

only give him a maximum of only 50% credit when he enrolls in the flight portion of the Private Pilot Airplane course?

**ANSWER** 2: The example you have cited and §141.77(c)(1) have nothing to do with each other. Your example are apples and oranges apart. There is absolutely, no correlation whatsoever. §141.77(c)(1) applies to a student who is enrolled at ABC Flight School, Inc. and then quits. He then enrolls in DEF Flight School, Inc. Both schools are Part 141 approved. In answer to your specific question, the answer is the student may be given 100% credit. The student is enrolled in the same school.

Now we've have heard of some Part 141 schools (that offer 4-year college degrees) have developed a ground and flight school course that was specifically designed to get a person interested in flying but the course was not Part 141 approved nor did the course lead to a person being allowed to take the Private Pilot-Airplane knowledge and practical test. In that case, since the ground school course is not Part 141 approved, then §141.77(c)(2) would apply even though the applicant is dealing with the same school for both courses.

{q&a-59}

## PART 141.79

**QUESTION** A quick 141 question.

FAR 141.79(c) requires the chief instructor, and assistant chief instructor, to complete an approved syllabus of training (ground and flight) or an approved FIRC every 12 months. I'm curious about the "approved syllabus of training" part and what it might contain for these chief instructors. Would this be something done locally at the school and approved by the FSDO office, or is it more national in scope? Are there any approved schools that have their own programs? Where would we go to find this information? Has the FAA provided any guidance on the make-up of these programs?

**ANSWER** The only written guidance that we have on this issue is addressed on page 143-3 of Order 8700.1. Other than that, AFS-840 has never put out any written guidance on this issue. I can't ever remember being asked that question. But in answer to your question, yes individual schools can develop their own recurrent training for their own chief and assistant chief instructors. Individual schools do not have to send their chief and assistant chief instructors to attend a Flight Instructor Refresher Clinic (FIRC) like the one you all put on. Individual schools may submit their own course to their FSDO for approval. As it states in Order 8700.1, chief and assistant chief instructors who are also FAA Designated Pilot Examiners may count their yearly examiner standardization course as meeting the requirements of §141.79(c). However if this is not the case, then we would expect the submitted courses to follow closely the course contents of a FIRC. Also, it is acceptable for a school to include in its submitted curriculum the time spent by the school's chief instructor on regularly scheduled standardization meetings with the school's instructor staff.

{q&a-55}

## PART 141.85

**QUESTION:** In the §141.85(b), how broadly do we interpret the provisions "available at the pilot school or, if away from the premises, by telephone, radio, or other electronic means." As an example, a chief instructor is an airline pilot and is on a scheduled flight. The school calls the chief instructor on his beeper and an hour and a half later after he lands in Los Angeles he calls back to the school. Is that scenario in compliance with the provisions of §141.85(b). Section 141.85(b) states:

(b) The chief instructor or designated assistant chief instructor shall be available at the pilot school or, if away from the premises, by telephone, radio, or other electronic means during the time that instruction is given for an approved course of training.

**This is the discussion that was contained in the Part 61 and 141 NPRM No. 89-14 - Phase 1 that was issued in the Federal Register on May 26, 1989.**

Section 141.85(b) presently requires that the chief or assistant chief flight instructor be available at the school's base of operations during the time that instruction is given for an approved course of training. The FAA has noted different interpretations of what availability means for chief flight instructors or their assistants during the time that instruction is given for an approved course of training at Part 141 schools.

During the public hearings for this regulatory review, it was suggested by some participants that, in practice, it was unrealistic to expect a chief flight instructor to be present at the school whenever flight instruction is being given. They noted the difficulty in having a chief flight instructor and assistant chief flight instructor available to cover all possible times of flight instruction. Furthermore, to require more personnel, in addition to the chief or assistant chief flight instructor, who would meet the requirements of the current § 141.35, would place a significant burden on the pilot school and is similarly unrealistic. One participant in the hearings stated that special need for the chief or assistant chief flight instructor arises only in unusual circumstances, and that usually they did not have to be physically located at the base of operations because availability by telephone normally suffices. Other participants stated that they see chief flight instructor availability as meaning on duty at or near the airport, in an aircraft in the local flying area, or reachable by radio or telephone.

The FAA believes that chief and assistant chief flight instructors can indeed be readily available for supervisory purposes without necessarily being physically present at the school. Availability in the local flying area by telephone or radio while instruction is being given would satisfy the intent of the rule and provide a favorable training atmosphere. This change to § 141.85(b) would serve to define more clearly the chief flight instructor's role as supervisory, and not require the chief flight instructor's physical presence at all times that instruction is being given. A person can be on duty and immediately "available" for the purpose of supervisory duties via various common electronic means, such as telephone, radio, and paging systems, without hampering safety.



**This is the discussion that was contained in the Part 61 and 141 Final Rule - Phase 1 that was issued in the Federal Register on March 15, 1991.**

NPRM No. 89-14 proposed modifications to §§ 141.35 and 141.85 to define more clearly the supervisory role of chief instructors and to clarify the requirement for chief instructor availability during the time that instruction is given for an approved course of training. The FAA has noted different interpretations of what availability means for chief instructors or their assistants at Part 141 schools. The FAA believes that a person can be on duty and immediately "available" for the purpose of supervisory duties via various common electronic means, such as telephone, radio, and paging systems, without hampering safety. These changes were intended to reconcile potential conflicts in chief instructor duties while maintaining stringent standards for designating chief instructors under Part 141.

A total of 17 comments were received on the proposal to clarify chief instructor availability requirements to include electronic means. All comments, including those from principal organizations, indicated overwhelming acceptance of this proposed amendment. Comments cite the elimination of an undue burden on industry and the use of modern communications to allow easy contact with the chief and assistant chief instructor if needed. AOPA and EAA agree that someone of authority should be available at all times when flight instruction is in progress, but physical on-site availability is unnecessary. ERAU stated that chief instructor availability through electronic means will adequately cover any situation in which direct involvement becomes necessary.

This final rule changes §§ 141.35 and 141.85(b) to clarify the availability of the chief and assistant chief instructor to include electronic means. Availability in the local flying area by telephone or radio while instruction is being given would satisfy the intent of the rule and provide a favorable training atmosphere. This change to § 141.85(b) serves to define more clearly the chief instructor's role as supervisory, rather than requiring the chief instructor's physical presence at all times during which instruction is being given. This change is designed to enhance efficiency and align the FAR with FAA policy as expressed in FAA Order 8710.5 and Advisory Circular 141-1.

**ANSWER:** In developing this final rule [§141.85(b)], we deliberately intended to liberalize the word "available" to conform with Part 141 schools' actual practices. As many schools that voiced support for this change, they commented that it was not realistic nor common practice to expect a chief instructor to stay physically located at the school when considering the advancement of communication technologies. So we deliberately broadened the rule to permit the usage's of today's communication technologies. However, as in accordance with Order 8700.1, page 143-3, para (4), it states, in pertinent part, "In event that the chief instructor is unavailable for consultation, training in relation to the chief instructor's responsibilities must cease until that chief instructor returns, unless these duties have delegated." So if consultations were needed with the chief instructor that involved a serious safety matter concerning the operation of the school, then "training . . . must cease until that chief instructor returns, unless these duties have delegated." However, if the consultation with the chief instructor is needed but the matter did not involve a serious safety matter concerning the operation of the school, then it would be AFS-840's policy to say the scenario you quoted would be in compliance §141.85(b). However, since this rule is not

written specifically enough to qualify the intent of the word "available" it would require a legal determination by an NTSB Law Judge.

{q&a-36}

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## PART 141, Appendix B

**QUESTION 3:** FAR 141, Appendix B, no longer requires pre and post flight briefing for each lesson. Did I overlook it somewhere?

**ANSWER 3:** Reference Old Part 141, Appx B, paragraph 4.(b): No, you didn't overlook it. We did away with that requirement. This was a rule that we believed was unnecessary to regulate. We felt the need of a pre- and post-flight briefing did not need to be a regulatory requirement and was best left to the instructor and the student.

{q&a-117}

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**QUESTION 5:** FAR 61.107 (b) and FAR 61.127 (b) require training in maximum performance takeoff and landings. FAR 141, Appendices B and C do not make reference to that same training. Is this correct? If so, will the PTS be changed?

**ANSWER 5:** Reference §61.107(b) / Appx. B, paragraph 4.(d) of Part 141 / §61.127(b) / and Appx D, paragraph 4.(d) of Part 141: The areas of operation read EXACTLY the same. The areas of operation of §61.107(b) and Appx. B, paragraph 4.(d) of Part 141 are identical. Appendix C of Part 141 addresses the instrument rating and §61.127 is Commercial Pilot certification. Now if you meant to say Appendix D of Part 141 then §61.127(b) and Appendix D, paragraph 4.(d) are identical.

{q&a-117}

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**QUESTION 1:** Part 141, Appendix B § 5. (a). requires "5 hours of solo flight training in a single-engine airplane on the approved areas of operation in paragraph (d) (1) of section No. 4 of this appendix..." Problem: (d) (1) in section 4 includes (ix) basic instrument maneuvers (x) emergency operations (xi) night operations.

Is there some intent to require solo practice in ALL these areas?

**ANSWER 1:** No, there never was any intent to require student pilots to perform emergency procedures, night operations, and basic instrument procedures in solo flight. Note, the way paragraph 5(a) reads, it doesn't say ALL of "the approved areas of operation in paragraph (d)(1) . . ." it just states "the approved areas of operation in paragraph (d)(1) of section No. 4 . . ." A flight instructor's judgment may be questionable if the flight instructor did authorize his student pilot to perform certain emergency procedures solo. But it is an instructor's call, because some students may be permitted to do certain emergency procedures, night operations, etc. It is the instructor's call. But no, a student pilot is **NOT** required to do ALL of the areas of operation of paragraph (d)(1) nor does the rule require it.

{q&a-101}

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**QUESTION 1:** Does the cross country time required by Appendix B, paragraph 4 which requires 3 hours of cross-country flight training have to have a landing at least 50 NM from the departure point even though it is dual training?

**ANSWER 1:** Reference Part 141, Appx. B, Paragraph B.4.(b)(1)(i) and (ii)(A), No, the first landing doesn't have to be more than 50 nautical miles from the original point of departure but one of the landings better be; Review §61.1(b)(3)(ii) ". . . a point of landing that was at least a straight line distance of more than 50 nautical miles from the original point of departure;" So, give me at least ONE ". . . a point of landing . . . more than 50 nautical miles from the original point of departure" and you've satisfied the cross country definition.

**QUESTION 2:** Part 61 requires that a student pilot log a solo cross country of at least 150 NM total distance to meet the aeronautical experience requirements to receive a private pilot certificate. Appendix B of Part 141 only requires a student to log a cross country of 100 NM to meet the aeronautical experience requirements to receive a private pilot certificate. We were told that this was a mistake. The Appendix B requirements for solo cross country should be the same as Part 61, i.e. a solo cross country of a total distance of 150 NM. All printings of the new regulations still specify in Part 141 Appenix B, Paragraph 5 (a)(1) one solo cross country flight of at least 100 nautical miles. Could you clarify these items? Thank you.

**ANSWER 2:** Reference Part 141, Appx. B, Paragraph B.4.(b)(1)(ii)(A), NO THIS WAS NOT A MISTAKE. Yes, there is a difference between the rules and I know about it. It was done on purpose, because of the lower time requirements under Part 141 (35 hours) vs. Part 61 (40 hours). This accounts for the 5 hour reduction in aeronautical experience for Part 141 students.

{q&a-91}

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**QUESTION 4:** Reference FAR 141, Appendix B, paragraph 5 (a) (1). If the student flew two solo cross country flights to satisfy the 5 hour solo requirement, would the definition of cross country time in FAR 61.1 (b)(3)(ii) apply?

**ANSWER 4:** One of the cross country's would have to meet the cross country requirements of Appendix B [5.(a)(1)] of Part 141. And if the applicant is doing another cross country, it would have to meet the requirements of §61.1(b)(3)(ii).

{q&a-74}

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**QUESTION:** In the **QUESTION 1:** If a person wishing to enroll in a Part 141 Private Pilot course could not meet the requirements for issuance of a student pilot certificate (i.e: language), can he or she start training until becoming ready to solo, and then, go and get a student pilot certificate in order to actually solo?

**ANSWER 1:** Review Part 141, Appendix B, paragraph 2. What it means is, "A person must hold a recreational or student pilot certificate prior to enrolling in the flight portion of the private pilot certification course." So, if the person doesn't hold either a recreational or student pilot certificate then he/she can't enroll in the flight portion of the private pilot certification course.

{q&a-81}

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## PART 141, Appendix C

**QUESTION 1:** FAR 61.65 (d)(1) requires a person who applies for an instrument rating to have logged at least 50 hour of PIC cross country. FAR 141, Appendix C does not have this requirement. Is this correct?

**ANSWER 1:** Reference §61.71(a): §61.71(a) was revised in the new Part 61 to delete that requirement. Yes, it was intentional.

{q&a-117}

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**QUESTION 5:** FAR 61.107 (b) and FAR 61.127 (b) require training in maximum performance takeoff and landings. FAR 141, Appendices B and C do not make reference to that same training. Is this correct? If so, will the PTS be changed?

**ANSWER 5:** Reference §61.107(b) / Appx. B, paragraph 4.(d) of Part 141 / §61.127(b) / and Appx D, paragraph 4.(d) of Part 141: The areas of operation read EXACTLY the same. The areas of operation of §61.107(b) and Appx. B, paragraph 4.(d) of Part 141 are identical. Appendix C of Part 141 addresses the instrument rating and §61.127 is Commercial Pilot certification. Now if you meant to say Appendix D of Part 141 then §61.127(b) and Appendix D, paragraph 4.(d) are identical.

{q&a-117}

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**QUESTION 2:** Does Part 141 Appendix C, Commercial Pilot Certification Course, para 2 requiring:

" prior to enrolling in the flight portion of the course a person must hold :

a) at least a private pilot certificate

b) for airplane or powered lift, instrument rating or be enrolled in an instrument rating course"

mean that:

1) The private pilot certification course or the instrument rating course can no longer be a part of the commercial pilot certification course, since the applicant must have possessed the private certificate and the instrument rating prior to enrolling ?

2) If the above is correct, then is it safe to say that the flight training hours flown during the private pilot certification course or during the instrument rating course can no longer be accepted as part of the flight training required by para 4 of Appendix D, for TCO certification purposes. ie: 120 hours for airplanes, or 115 hours for helicopters ?

**ANSWER 2:** A Private Pilot Certification Course and an Instrument Rating Course may be part of a Commercial Pilot Certification Course, PROVIDED (as per Part 141, Appendix D, paragraph 2) the person must hold ". . . at least a private pilot certificate . . . hold an instrument rating in the aircraft that is appropriate to the aircraft category rating for which the course applies . . . Be concurrently enrolled in an instrument rating course that is appropriate to the aircraft category rating . . ." before enrolling in the flight portion of the commercial pilot certification course. See Part 141, Appendix D, paragraph 2,(a) and (b). Just like the rule says, ". . . before enrolling in the flight portion of the commercial pilot certification course. . ."

Now per §141.57, the school is permitted to submit what is commonly referred to in the industry as a Professional Pilot Certification Course and not comply with the enrollment prerequisites of Part 141, Appendix D, paragraph 2. But remind the school about §141.83(a)(2) when it comes time to renew. If the school doesn't have an 80% pass rate, then they'll lose their school certificate. Their choice.

{q&a-81}

**QUESTION 6:** Does the following stated information mean if I have a student that graduates from my Part 141 instrument rating course, he no longer (after August 4, 1997) has to meet the "50 hours are as pilot in command in cross country flight in a powered aircraft" of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123? ---

In the existing §61.71(a), it states: ". . . However, if he applies for a flight test for an instrument rating he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of §§61.65(e)(1) and 61.123 (except paragraphs (d) and (e) thereof)." And §61.65(e)(1) states: "A total of 125 hours of pilot flight time, of which 50 hours are as pilot in command in cross country flight in a powered aircraft with other than a student pilot certificate. Each cross country flight must have a landing at a point more than 50 nautical miles from the original departure point." In the new §61.71, the language referring to §§61.65(e)(1) and 61.123 has been dropped.

**ANSWER 6:** A Part 141 graduate will no longer be required to meet the "50 hours are as pilot in command in cross country flight in a powered aircraft" of §61.65(e)(1) and paragraphs (a), (b), (c), and (f) of §61.123. The deleting of that provision was intentional, because we who drafted the rule believe our Part 141 school give such quality of training that a person who graduates from a Part 141 school provides an equivalent level of safety. And we don't have to file a difference with ICAO because our country is the only country that has Part 141 approved schools and we have never filed differences when it relates to Part 141.

{Q&A-31}

## PART 141, Appendix D

**QUESTION 3:** Under the new 141\, For the allocation of credit towards a Commercial Syllabus requirements, can you still allocate training received during their Primary and Instrument training to meet requirements for the Commercial? If so, Can a Commercial Pilot graduate with only 120 hours total?

**ANSWER 3:** Ref. Appendix D, paragraph 4(a)(1) requires 120 hours. Notice in Appendix D, paragraph 2(a) and (b) the eligibility requirements for a commercial pilot applicant is to hold a private pilot certificate and if enrolling in an airplane or powered-lift rating course to either hold an instrument rating or be concurrently enrolled in an instrument rating course that is appropriate to the rating sought. This new rule did not reduce the requirements of Appendix D [except as provided for in §141.55 (d) and (e)], so a person must have at least 190 hours of aeronautical experience just like the old requirements. Notice the training breakdown requirements, for example for an airplane rating:

Appendix B - Private Pilot Certification Course:	35 hours
Appendix C - Instrument Rating Course:	35 hours
Appendix D - Commercial Pilot Certification Course:	<u>120 hours</u>
Total	190 hours
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No, you cannot allocate training received during the private and instrument training toward the commercial pilot certification course's requirements of 120 hours.

{q&a 149}

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**QUESTION:** We have a question from a major 141 flight school in reference to Appendix D, Commercial Pilot Certification Course.

Under 4(a)(1), does the 120 hours of training for an airplane include the training received under the Private and Instrument Courses or is it in addition to that total time?

**ANSWER:** Reference Part 141, App. D, para. 4.(a)(1); The answer is **NO**.  
{q&a-131}

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**QUESTION:** Part 141, Appendix D, paragraph 4.(b)(2) states: "(2) *For an airplane multiengine course:* 55 hours of flight training from a certificated flight instructor on the approved areas of operation listed in paragraph (d)(2) of this section that includes at least —"

Q: Does all 55 hours have to be in a multiengine airplane?

**ANSWER:** No; Only that time specified in subparagraphs (i) through (iv) of Part 41, Appendix D, paragraph 4.(b)(2)(i) must be in a multiengine airplane. Additionally, the time specified in subparagraphs (1) through (4) of Part 141, Appendix D, paragraph 5.(b) must be in a multiengine airplane.

{q&a-100}

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**QUESTION 3.** Reference to Part 141, Appx D, para. 4.(c) of the Commercial Pilot-Airplane Certification Course, what is percentage of use of flight simulators and flight training devices based on? Is the percentage based on total course time of 155 hours of paragraph 4.(a)(1) or the 55 hours of flight training time in paragraph (b)(1)?

**ANSWER:** On the 155 hours, but time spent in a flight training device/flight simulator, there must be an authorized instructor present to monitor and verify the training. This is required by § 61.51(h).

{q&a-45}

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**QUESTION 1:** Can solo flight time, under the old 61/141, logged by the Student Pilot now be considered PIC flight time?

**ANSWER 1:** Yes; All time logged as solo time prior to August 4, 1997 can now be also logged as PIC time. In fact, I have already gone into my logbook where I had logged solo time in 1968 and added the time into the PIC column of my logbook. It can be logged as both solo time and PIC time.

{q&a-74}

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## PART 141, Appendix F

**QUESTION 4:** FAR 141, Appendix F, Paragraph 4 (a)(1), requires 25 hours of flight training. Paragraph 1 states this appendix is for initial and additional flight instructor courses. With this in mind, is 25 hours of flight training also required for the additional flight instructor courses?

**ANSWER 4:** Reference Part 141, Appendix F, Paragraph 4 (a)(1): Yes, additional flight instructor ratings and initial flight instructor certification courses are the same. However, don't forget §141.55(d) and (e) that allows schools to submit courses with less than the required training hours.

{q&a-117}

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## PART 141, Appendix I

**QUESTION:** Reference Part 141, Appendix I; For example, what is minimum total time required for a multiengine airplane add-on course at the Commercial Pilot certification level?

Answer: 10 hours; Per Part 141, Appendix I, paragraph 4.(a), it states, in pertinent part,

“Each approved course for an additional aircraft class rating must include the **flight training time** requirements and flight training on the areas of operation that are specific to that aircraft category and class rating and pilot certificate level for which the course applies as required in appendix A, B, D, or E of this part, as appropriate.”

Notice, no place does the rule say anything about solo time. It only requires flight training. And the definition of flight training is, per §61.1(b)(6):

“(6) Flight training means that training, other than ground training, received from an authorized instructor in flight in an aircraft.”

My answer of 10 hours was extracted from Part 141, Appendix D, paragraph 4.(b)(2)(i) through (v).

{q&a-128}

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## PART 141, Appendix K

**QUESTION:** In the past, Flight Instructor Refresher Courses were always approved by you in AFS-40. I noticed in the new Part 141, Appendix K, paragraph 11, it states the requirements for a Flight Instructor Refresher Course. Can the individual FSDO's now approve Flight Instructor Refresher Courses?

**ANSWER:** Yes; The guidance for approving this course is contained in AC 61-83D. If you have additional questions, please feel free to contact AFS-840.

{q&a-135}

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**QUESTION:** In FAR 141 Appendix K Section 11, Flight Instructor Refresher Course is stated: "... must include 16 hours of aeronautical knowledge training, flight training, or any combination of ground and flight training on the following."

Does this mean that if I have 16 hours of only ground training it would fulfill the requirement ? I have called several FSDO's and other parties the have given me different answers like..

1. Yes, you can complete this requirement with only ground training.
2. No, you have to have ground and flight training.

**ANSWER:** **YES**, you can complete this requirement with only ground training. Reference Part 141, App. K, para. 11; It can be as "... at least 16 hours of aeronautical knowledge training, flight training, or **any** combination of ground and flight training on the following-" or otherwise that rule states 16 hours of ground training **OR** 16 hours of flight training **OR** any combination of ground and flight training on the following.

{q&a-132}

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